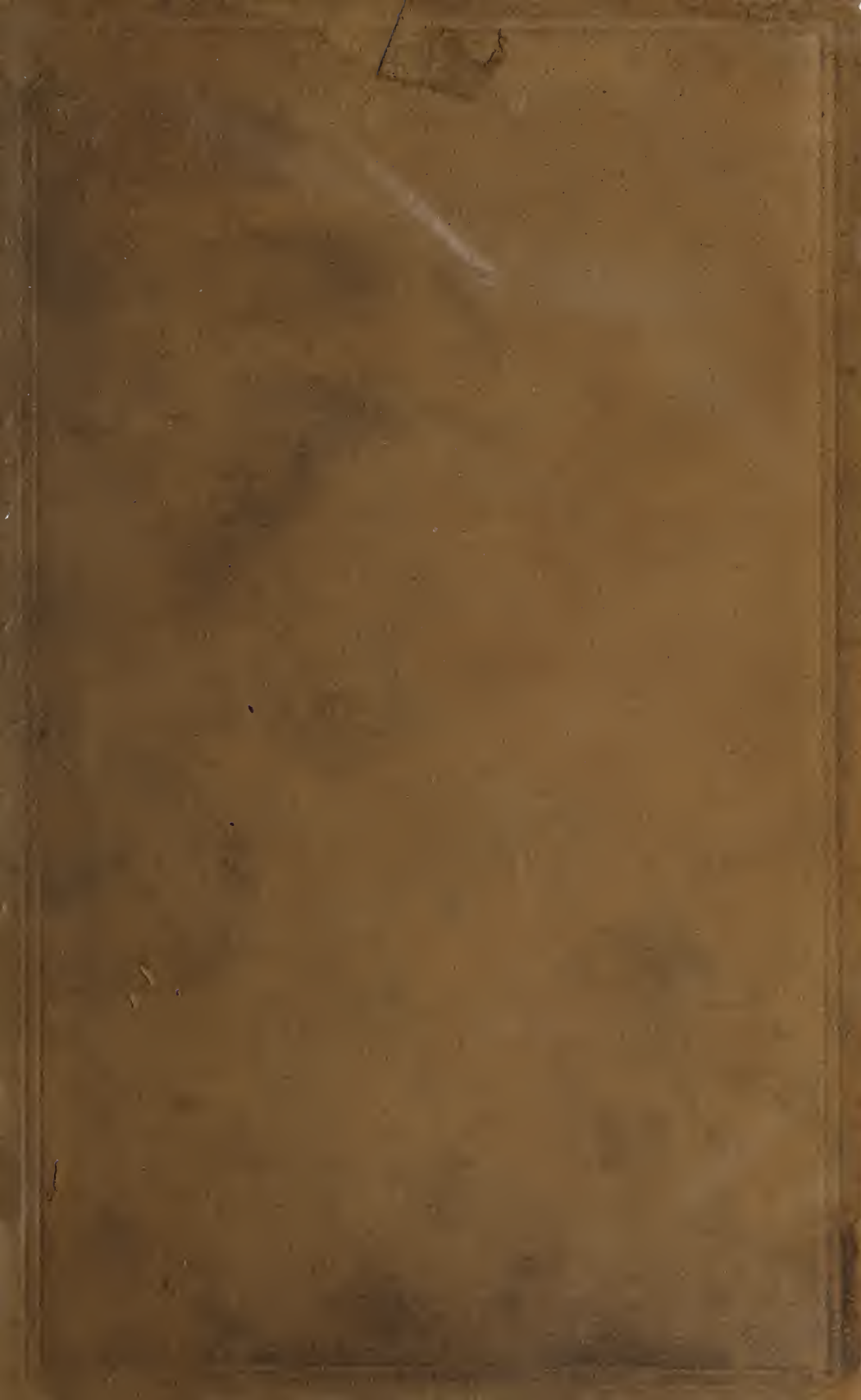


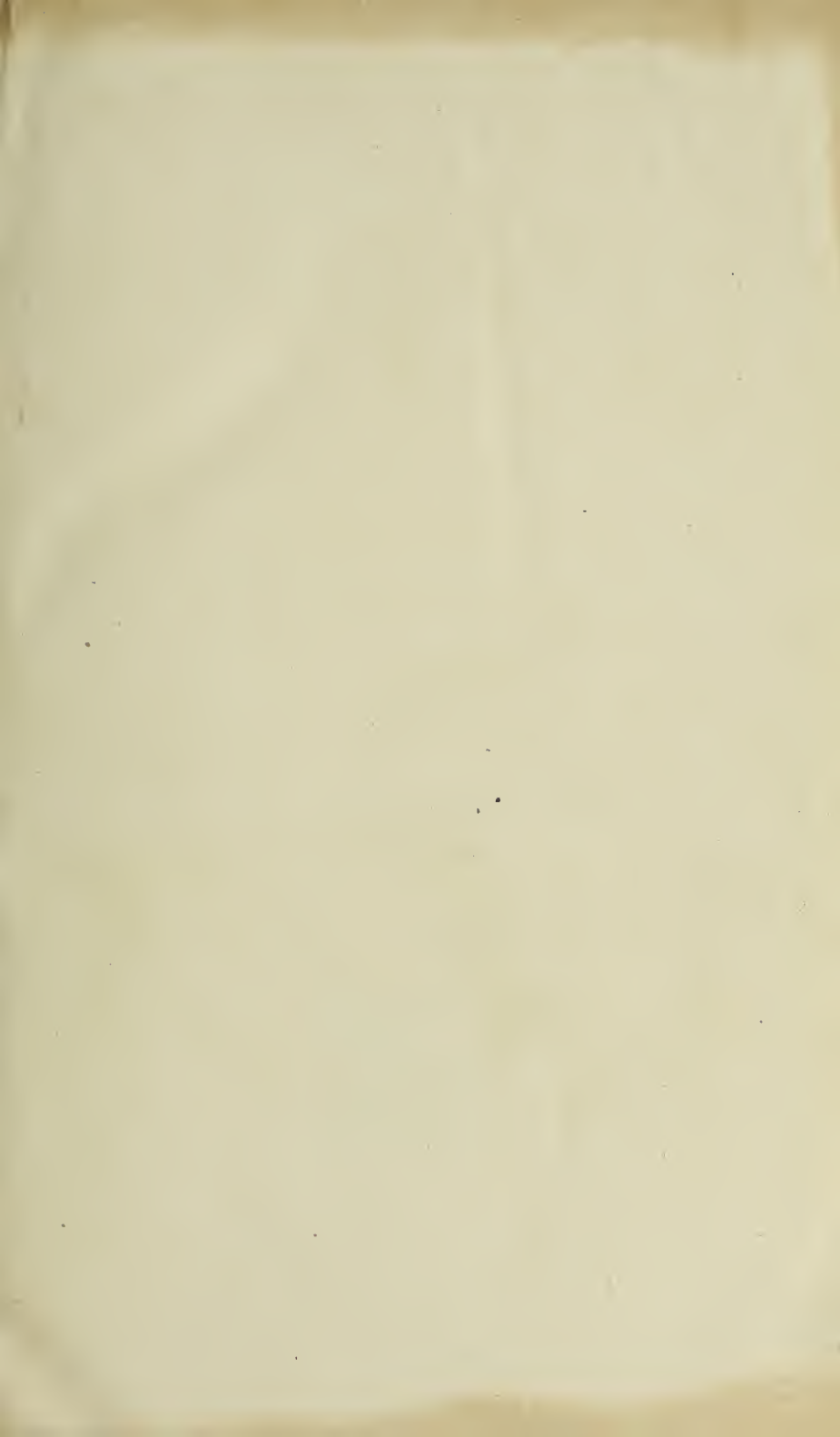


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DOCUMENTS
OF THE
ASSEMBLY

OF THE
STATE OF NEW YORK,
ONE HUNDRED AND NINETEENTH SESSION.

1896.

VOLUME X — Nos. 65 to 67, INCLUSIVE.



WYNKOOP HALLENBECK CRAWFORD CO.

STATE PRINTERS,
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1896.

ANNUAL REPORT

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OF THE

STATE HISTORIAN.

TRANSMITTED TO THE LEGISLATURE MARCH 3, 1896.

WYNKOOP HALLENBECK CRAWFORD CO.,

STATE PRINTERS,

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1896.

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STATE OF NEW YORK.

No. 65.

IN ASSEMBLY,

MARCH 3, 1896.

Report of the State Historian.

To the Honorable the Legislature of the State of New York:

Under chapter 393 of the Laws of 1895, Governor Morton, by and with the advice and consent of the honorable, the Senate, appointed a State Historian, whose duties were prescribed in these words:

“To collect, collate, compile, edit, and prepare for publication all official records, memoranda and data, relative to the Colonial Wars, War of the Revolution, War of 1812, Mexican War, and War of the Rebellion, together with all official records, memoranda, and statistics, affecting the relations between this commonwealth and foreign powers, between this State and other States, and between this State and the United States.”

No State in the Union possesses a more glorious record and has accomplished so much for civilization as the State of New York. But Governors and other public officers for three-quarters of a century have deplored the indifference of the State in putting her records in shape in a befitting manner for posterity. It is to the credit of the many historical societies, that masses of valuable historical documents and data have been rescued from the destruc-

tive hands of oblivion and preserved for the benefit of future generations.

And it is to their activity and patriotism that the constantly expanding interest in American history and purely American institutions has been engendered and fostered and that the study of American history has become an attractive part of the curriculum of our schools and academies.

It was not until 1839 that the State was made to see the importance of taking some decisive and intelligent step whereby its valuable Colonial records should be saved from wanton destruction. It was only after the New York Historical Society had taken the subject in hand that the State consented the work should be done. So that whatever credit is attached to the preservation of the historical documents that have been translated from the Dutch and French for the benefit of posterity and for the glory of the State must redound to the energy and patriotism of the members of this public-spirited society.

On February 5, 1839, Governor Seward transmitted to the Assembly a memorial from the New York Historical Society, praying for the passage of a law authorizing the appointment of an agent to visit Europe to transcribe all the documents remaining in the public offices of the governments of England, France and Holland, illustrating the Colonial history of this State.

In his message to the Legislature Governor Seward used language that has been quoted many times since.

"It is believed," he said, "that we have hitherto manifested a singular indifference in regard to this subject. The English government has made a munificent gift to our State Library of records illustrating the early history of that nation. Massachusetts has taken care to preserve the resources of her history during the Revolutionary contest by causing to be published the journals of her Colonial Congress."

Governor Seward called attention to the fact that the State of Georgia at that time had an agent in Europe obtaining copies of records belonging to that State.

Pleading dearth of funds as a reason for the Historical Society's

not undertaking the work itself, the memorial continued, and, in the light of history, the words bear repetition at this time:

“Many documents, letters, correspondences and papers relating to, bearing upon and directly connected with the events and prominent persons of our Colonial history and our War of the Revolution,” were contained among the archives of the Old World. The memorialists believed that “it is worthy of the ambition of the Empire State to have under its own control the material for writing its own history. Already in its rapid increase of population and resources it stands as a wonder in the history of the world; in a few years its changes will surpass human belief; and then the smallest scrap which illustrates its former condition will be regarded as a precious memorial. Indeed, even now it is precious; for with a full knowledge of all that has been attempted on this subject your memorialists represent that the history of the State of New York remains yet to be written.”

Under chapter 315, Laws of 1839, Governor Seward appointed John Romeyn Brodhead on January 20, 1841, as a commissioner to visit Europe for the purpose of carrying out the law and the suggestions contained in the memorial of the New York Historical Society. How well Mr. Brodhead performed his labors is a matter of history. At The Hague he translated all the Dutch from the earliest Dutch times up to 1664. In Paris his translations covered records and documents from 1666 to 1765. Having overcome the original opposition of the English authorities, copies were permitted to be made of the English records from 1664 to 1783 at the State Paper office, at the exorbitant rate of four pence sterling for a folio of seventy-two words, or one shilling sterling for one page or \$100 for every 400 pages, eight clerks performing the work.

For many year a voluminous mass of valuable manuscripts had accumulated and lain neglected on the third floor of the State Hall exposed to dampness, mutilation, and the desecrating hand of the vandal. As far back as 1805 the Legislature had passed an act authorizing the Governor to designate such of these records for translation as were within the jurisdiction of the Secretary

of State. This work had been carried on in a desultory and perfunctory manner for a period of seventeen years. Finally, in 1849, Dr. E. B. O'Callaghan, who had been for years a clerk in the Secretary of State's office, was appointed by a board consisting of Governor Hamilton Fish, Secretary of State Christopher Morgan, and State Comptroller Washington Hunt, to transcribe the Holland and French documents, under resolution of the Legislature of 1848. Dr. O'Callaghan's efforts subsequently became known as the documentary history of the State of New York. He properly complains of the careless manner in which the translation had been made under the law of 1805. This collection in the State Hall which was put into shape by Dr. O'Callaghan, embraced 233 volumes of manuscript, exclusive of three volumes of documentary history. But the work of publication lagged on until 1856, when, upon being transferred to the care of the Regents of the University it assumed satisfactory shape, and in the course of a very few years the volumes were accessible to the general public.

If the State were as well equipped with the records of the Revolutionary War and the War of 1812 as her services to those two causes entitle her to be, little ground for complaint would exist in preparing for the work contemplated. But in this connection the language of the New York Historical Society's memorial to the Legislature, "It is worthy of the ambition of the Empire State to have under its own control the material for writing its own history," applies with redoubled force.

The imperfections of the system in gathering military records during the War of the Revolution and the War of 1812 form a serious drawback to the work in hand. The disastrous fire in the war department at Washington in 1801, and the destruction by the English during the War of 1812 of the National Capitol, in which documents of untold value perished, administered to the history of this State and of the country a blow from which neither will ever recover. The more valuable original records and documents relating to this State for those two wars that were saved from the general ruins are in possession of the Federal authorities at Washington.

The same argument applies to the records of the War of the Rebellion; although army regulations required that bi-monthly reports of the troops in the field should be made to the Adjutant-General at Washington, as well as to the Adjutant-General at Albany, the rule was more honored in the breach than in the observance. When the war closed general headquarters at Albany contained but little information regarding the work of the troops who saw service. A determined effort, however, was made on the part of the Adjutant-General to collect material from the many organizations with anything but successful results.

Organization of the Office.

On entering upon the duties of the office many difficulties were encountered. No precedent was in existence to regulate the method of procedure or determine the system of organization. It was necessary to blaze the way through a wilderness of manuscripts, but no change or modification whatsoever has been made at any time from the original plan. The State has not been called upon to expend one penny for errors or for experiments. The present plan contemplates the division of the work in the following series:

First series will cover the Colonial period up to the breaking out of the Revolutionary War. Second series will cover the period between 1775 and 1800. Third series will cover the period from 1800 to the close of the second war with Great Britain. Fourth series will cover the period from the close of the war with Great Britain to the outbreak of the War of the Rebellion, including the war with Mexico. Fifth series, the War of the Rebellion.

Once organized, the work of transcribing was begun of the muster-rolls of the New York Colonial organizations from 1715 to 1755. These records are rare curiosities. Aside from atrociously bad spelling in places, wretched paper and evanescent ink, united with the inability of the scrivener of the command often to decipher complicated and unpronounceable Dutch names, imposed the most arduous labor and necessitated the most scrupulous care to insure accuracy, and the issuing of an order prohib-

iting the use of script in transcription and requiring that all names be copied in Roman. Many of these records have been shamefully abused and criminally mutilated and defaced by vandals and relic hunters, who have not only snipped off autographs, but in places large fractions of the original.

These transcribed muster-rolls are completed in one volume to the outbreak of the French and Indian War in 1755, and consist of the names of over four thousand colonial Americans. As a record of history it will prove exceedingly valuable to citizens interested in American ancestry and to societies and associations that are cultivating the love of the study of early American times and wars. It is now ready for publication, and will form the first volume of the history of the State under the enabling act of 1895.

The War of the Revolution.

The State has already published two volumes of the Records of the War of the Revolution, namely, the "Balloting Book," and the "Archives of the State of New York," volume 1. But for the reports, documents and data relating to this interesting struggle from the standpoint of American valor and fortitude, dependence must be placed upon historical societies, private sources and upon the archives at Washington.

Out of an estimated population of 300,000 inhabitants, New York furnished 40,000 troops to this patriotic cause.

War of 1812.

The manner in which the Federal government secured possession of New York's military returns, documents, muster-in rolls and records of the War of 1812, forms an interesting chapter in the history of the State. New York never displayed her generosity and patriotism to a greater degree than at this crisis in the country's history. In the language of Governor DeWitt Clinton: "At a time of great pressure and public danger, when the National government was crippled in its means and paralyzed in its operations, this State stepped forward and contributed all

in its power to defend the soil and sustain the honor of our country."

According to custom, during the War of 1812, the Governor of the State was commissioned a major-general in the United States army; and, in military movements and in the regulation of the commissary and pay departments, inevitable complications followed between the State of New York and the United States. Accounts became entangled, vouchers were regarded as irregular, and general confusion resulted, until the Legislature passed an act, February 10, 1818, authorizing the Governor to appoint an agent for the purpose of settling the demands of this State against the United States. Governor Clinton selected Jabez D. Hammond, the historian, to the office. In a report submitted to the Legislature March 14, 1826, Mr. Hammond stated that he had presented to the third auditor of the treasury all the documents in his possession, together with the returns of the arsenal-keepers in the State of New York during the late war. In the latter returns were contained statements of the issues of arms to the militia in the service of the United States. The original claims of the State against the United States amounted to \$313,696.79, of which the government settled all except \$78,198.87, the greater part of the balance covering interest, which the government refused to pay. Thirty years subsequent three commissioners were appointed by act of Legislature, April 15, 1857, for the adjudication and payment of certain claims of the militia; the State Comptroller, John C. Wright, in 1853, having reported in reply to a resolution of the Legislature asking whether the veteran corps of New York had received from this State additions to their pay from the United States for services during the War of 1812, the following:

"There are no documents, records or books remaining in this office which refer to or can be used to furnish the information sought by the resolution of the honorable the Senate.

"All the pay-rolls and other papers relating to the payment of the volunteer, drafted or enlisted corps who served in the War

of 1812 from this State, were transferred to Washington, and the accounts adjusted and settled and the money advanced by the State for the support of the War of 1812 was reimbursed by the general government."

Under the act of the New York Legislature of 1857, General John S. Van Rensselaer, Adjutant-General Frederick Townsend and Commissary-General J. H. Hobart Ward were appointed commissioners of adjudication. They received 8,320 claims, which amounted to \$370,000. It was estimated that 60,000 claims would eventually be presented for auditing and that \$600,000 would be necessary to pay them.

January 15, 1872, the Adjutant General of the State reported that \$146,855.95 had been paid on number of certificates apportioned, but that the amount was insufficient to meet the principal alone of the certificates of survivors.

The records, documents and returns which Mr. Commissioner Hammond presented to the third auditor of the treasury were held by the national government until 1892, when, under the operations of the Proctor act they were transferred to the newly created Record and Pension Bureau, Washington, D. C., in charge of Colonel F. C. Ainsworth.

The Mexican War.

When war was declared between this country and Mexico, under act of Congress of May 13, 1846, the President was authorized to call for 50,000 volunteers to serve twelve months or for the war. To carry on the war \$2,000,000 were appropriated. As in the war of 1812, the volunteers were compelled to furnish their own clothing, and, if cavalry, their own horses and horse equipment. A draft was made on New York for seven regiments. Three were organized, two were mustered in and one, General Ward B. Burnett's, left for the seat of war January, 1847. Of the 805 volunteers who went to the front, 227 died or were killed in battle. All the records, documents and data relating to New York's participation in the Mexican War are within reach of this department and can be readily put in shape for publication.

War of the Rebellion.

Naturally, the most important undertaking imposed upon the department is that of the preparation and compilation of the records of the War of the Rebellion. In the light of recent events it is a matter of sincere regret that the State had not originated the plan now proposed a quarter of a century ago, before thousands of those who participated in the struggle for the preservation of the Union, were incapacitated by physical infirmities from contributing to the history of those stirring times or had passed away. Even at that time it is within the bounds of reason confidently to assert that discouraging obstacles would have been encountered. The death, disability or capture of leading officers in action, the sudden promotion of inexperienced soldiers who were unacquainted with the routine of the life of a commanding officer, particularly in his official relations with his superiors, the indifference of field officers to make and file reports, the lack of writing material, particularly during the last year of the war, when troops were under fire almost daily, the sudden raids on the part of the enemy that resulted in the capture or destruction of supply and baggage trains, and of the mails, sufficiently indicate the difficulties which then existed and which have multiplied ten fold with each succeeding year. The greatest battle of the war, Gettysburg, sufficiently illustrates the force and directness of this argument, and the apathy, carelessness and indifference of commanding officers of regiments in making official reports and establishing a record for their command. Out of the ninety-seven organizations which New York was represented by in that memorable struggle, twenty-three, including three batteries of artillery, failed to file a report — a number, out of all proportion to the troops engaged. It will be the duty of the State Historian to make an effort to supply the deficiencies; arrangements to that end having been already effected with surviving officers of four of the infantry commands that are not represented in the official records of the rebellion, that have been printed under the direction of the War Department, Washington, D. C.

Included in the list of delinquents is the regiment that deserves whatever credit and glory that may be attached to the distinction of having fired the first hostile shot at Gettysburg — the Eighth New York Cavalry. By its failure to report its operations on those three July days the regiment has been deprived of all official recognition for this act, in the official records.

A list of the cavalry and infantry regiments that failed to file a report on the battle of Gettysburg, with the locality in which the troops were raised, is subjoined:

CAVALRY.

Eighth — Rochester.

INFANTRY.

Twelfth — Syracuse.

Thirty-third — Livingston, Ontario, Seneca, Wayne, Yates.

Thirty-ninth — New York.

Forty-first — New York.

Forty-third — Albany, Montgomery, New York, Otsego, Washington.

Forty-ninth — Chautauqua, Erie, Genesee and Niagara.

Fifty-fourth — New York.

Sixty-fifth — New York.

Sixty-seventh — Brooklyn.

Sixty-eighth — New York.

Seventy-seventh — "Bemus Heights."

Eighty-second — New York (2d militia).

Eighty-third — New York (9th militia).

One Hundred and Eighth — Rochester.

One Hundred and Thirty-fourth — Schenectady and Schoharie.

One Hundred and Fortieth — Rochester.

One Hundred and Forty-seventh — Oswego.

One Hundred and Fifty-fourth — Chautauqua and Cattaraugus.

One Hundred and Fifty-seventh — Ulster, Greene and Richmond.

The battle of Gettysburg is but a sample of this kind of negligence. In every great battle of the war in which New York

troops took part, similar instances of indifference and carelessness are to be found on the part of commanding officers. Wherever a hiatus of this kind is met, this department will exhaust every resource at its command in order to fill the gap, and every advantage will be taken to make good the official record.

At the time work was begun last fall on the records of New York troops in the War of the Rebellion, the 660 Grand Army posts of this State showed a total strength of 38,000 members. But thousands of these veterans had originally enlisted in other States and had moved into this State since the close of the War of the Rebellion; thousands of the surviving troops who had served in this State had changed their residence to other States, and thousands more of New York State veterans had never joined the G. A. R.

The Department Commander of the G. A. R. in this State, Edward J. Atkinson, kindly promulgated the following paragraph, in general orders number six of date December 2, 1895:

“VIII. The State Historian, Capitol, Albany, N. Y., who has begun to compile the history of New York in the Rebellion, requests that there be forwarded to him the names and present addresses of the field and executive officers of the veteran organizations, the names and addresses of all surviving officers of the regiments or batteries, a list of the battles, and the date in which the regiment, battery or detachment participated, together with the name of the officer commanding, with the corps, division and brigade to which such command was attached.”

Simultaneously, with the advance of this skirmish line from the department commander, the following personal letter was mailed from this office to every post commander in this State:

STATE CAPITOL, ALBANY, N. Y., ... 1895.

Commander Post.....G. A. R., State of New York:

SIR.—By this mail I have the honor to commit to your care, for distribution among the comrades of your post, copies of a circular which I most earnestly urge and request should be placed in proper hands and filled out according to the directions contained therein.

In order to facilitate the work in hand, to guard against errors in transmission and to insure the safe return of the accompanying blanks, I herewith inclose an envelope self-addressed to this office.

Will you not be good enough to take personal interest in the matter and see to it that every member of your post who saw service in a New York volunteer organization during the War of the Rebellion, is furnished with a copy of the inclosed blanks?

Extra copies of blanks can be procured upon application at this office.

Yours very truly,

With this letter were forwarded eight copies of the subjoined blank with self-addressed envelopes to be returned to this office when the former were filled out:

STATE CAPITOL, ALBANY, N. Y., ... 1895.

Veterans of the war will confer a personal favor and facilitate the progress of the history of New York in the War of the Rebellion, by filling out this form and mailing it to the above address:

The names and present addresses of all surviving officers of your regiment or battery.

A list of all the battles (and the date) in which your regiment participated, together with the name of the commanding officer, and the brigade commander.

If a detachment, give the letters of the companies composing it, together with the name of the commanding officer.

Any and all incidents on the field that came under personal observation.

The names of medal of honor men of your command and the circumstances that led to its award.

The names and present addresses of the field and executive officers of your veteran regimental organization.

Your name, ... Regiment, ... Company, ...

In the presentation of this series, blanks, and in cases, personal letters were addressed to prominent surviving volunteers, officers

and men who were not members of the G. A. R.; every officer in the United States regular army who had been attached to a New York volunteer organization; members of the Loyal Legion in States other than New York.

The department has now in contemplation a plan to enlist the services of the Grand Army organizations in other States by forwarding blanks and circular letters in order that every survivor of New York volunteers may understand the scope of the plan the State has undertaken and in order that he may have an opportunity to contribute to the general fund.

It is with feelings of mingled pleasure and gratification that the statement is made that up to the present time, in spite of all obstacles, apparent and real, the results have far transcended all expectations. While lethargy and indifference were to be expected in spots, still the manner in which satisfactorily filled blanks have been returned, information, suggestions and advice vouchsafed, generous assistance and co-operation proffered, justifies the conviction that the cordial interest shown in the undertaking by the veterans of all kinds, officers and men, insures a success overwhelming and immeasurable. The value of many of the records that have been filed in this office will be genuinely appraised only after the last surviving veteran of the War of the Rebellion will have ceased to live.

It would be invidious to record distinctions between the many excellent reports that have come to this office and between the scores of prominent officers who have volunteered their services in connection with the work.

But the following are deserving of meritorious mention:

INFANTRY.

Twelfth and sixteenth — by Gen. Daniel Butterfield, New York.

Twenty-third — by the Hon. H. H. Rockwell, of Elmira.

Forty-fifth — by Capt. Fred Irsch, of New York.

Fifty-sixth — by Wm. H. D. Blake, of New Paltz.

Fifty-seventh — by Col. A. P. Fiske, of New York.

Seventy-seventh — by members of the regiment.

Seventy-ninth — by Col. Andrew D. Baird, of Brooklyn.

Eighty-third — by Capt. George A. Hussey, of New York.

One Hundred and First — by Adj. E. N. Lamont, Isle of Jersey, England.

One Hundred and Second — by Col. Lewis R. Stegman, of Brooklyn.

One Hundred and Nineteenth — by Gen. John T. Lockman, of New York.

One Hundred and Twenty-sixth — by Major C. A. Richardson, of Canandaigua.

One Hundred and Twenty-eighth — by B. W. Van Wyck, of Poughkeepsie.

One Hundred and Thirty-second — by Gen. P. J. Claassen, of Brooklyn and Capt. C. C. Cusick, U. S. A., Albany.

One Hundred and Forty-first — by Charles Van Wagoner, Elmira, N. Y.

One Hundred and Forty-ninth — by Capt. George K. Collins, of Syracuse.

The report of the One Hundred and Forty-first New York, by Mr. Van Wagoner, is one of the most thorough and unique of all that have been presented. It covers a transcript from a well kept and carefully preserved diary, beginning with October, 1863, and continuing to April, 1865, covering the daily operations of the regiment in the Chattanooga-Atlanta march to the sea campaigns, and the march through the Carolinas to the surrender of General Joe Johnson.

In addition to those already received, the deparatment has received promises of reports from the following officers, who were prominently identified with the commands named:

First New York Independent Battery — Col. Andrew Cowan, Louisville, Ky.

Excelsior Brigade — Major Gen. Daniel E. Sickels, Gen. Henry E. Tremain and Col. John N. Coyne.

INFANTRY.

Thirty-second — Gen. F. E. Pinto, of Brooklyn.

Eighty-first — Col. L. V. S. Mattison, of Oswego.

Ninety-sixth — Gen. Stephen Moffitt, of Plattsburgh.

One Hundred and Eleventh — Gen. Clinton Dugald MacDougall, of Auburn.

One Hundred and Forty-sixth — Gen. James G. Grindlay, Utica.

Up to February twenty-sixth, this department had put in circulation among the veterans of this and other States, over 7,200 blanks, from which over 1,200 replies had been received; a fair showing on the face of the record of the Fortieth New York, whose veteran organization had mailed to survivors of the regiment over 400 and had obtained only twelve replies. Out of all the circulars mailed from this office only one was returned on the ground that the addressee was deceased.

To-day the department is prepared to begin the work of compilation of the records of ninety-seven of the 234 regimental organizations which New York State sent to the front during the War of the Rebellion.

Many of the blanks returned to the office from veterans contain a superabundance of information, which, of course, will be rigidly subjected to the process of corroboration and verification before being arranged for final publication. As the record stands to-day, sixty-eight regimental organizations are incomplete and from sixty-nine more no returns have been received whatever.

The following classified detailed table indicates what has been accomplished for and by the different arms of the service, cavalry, artillery and infantry:

Cavalry.

SATISFACTORY.

Second Harris Light.

Third.

Sixth.

Eighth.

Ninth.

Tenth.

Eleventh.

Twenty-fifth.

First Dragoons.

Second Mounted Rifles

Second Veteran.

INCOMPLETE.

Fourth.	Fifth.
Seventh.	Fifteenth.
Sixteenth.	Twentieth.
Twenty-first.	Twenty-second.
Twenty-fourth.	First Mounted Rifles.

NO RECORD.

First.	Second Black Horse.
Twelfth.	Thirteenth.
Fourteenth.	Eighteenth.
Twenty-sixth.	First Veteran.
First Provisional.	Second Provisional.
Third Provisional.	Fourth Provisional.
Oneida Independent Company.	

Artillery.

SATISFACTORY.

First Light, "B."	First Light, "D."
First Light, "I."	First Light "M."
Fourth Heavy.	Fifth.
Sixth.	Seventh.
Ninth.	Tenth.
Thirteenth.	Fourteenth.
Fifteenth.	Sixteenth.
Eighth Light Battery.	Eleventh Light Battery.

INCOMPLETE.

First Light, "A."	First Light, "C."
First Light, "K."	First Light, "L."
Third Reg't, Light Artillery.	Second Heavy.
Eighth.	First Light Battery.
Third Light Battery.	Fourth Light Battery.

NO RECORD.

Marine.	Second Light Battery.
Fifth Light Battery.	Sixth Light Battery.

Seventh Light Battery.

Tenth Light Battery.

Thirteenth Light Battery.

Fifteenth Light Battery.

Seventeenth Light Battery.

Ninth Light Battery.

Twelfth Light Battery.

Fourteenth Light Battery.

Sixteenth Light Battery.

Eighteenth Light Battery.

Nineteenth Light Battery up to and including Thirty-fourth.

Infantry.**SATISFACTORY.**

Tenth.

Thirteenth.

Seventeenth.

Twenty-third.

Twenty-eighth.

Thirty-second.

Fortieth.

Forty-ninth.

Fifty-seventh.

Sixty-first.

Sixty-fourth.

Seventy-seventh.

Eighty-third.

Ninety-first.

Ninety-fourth.

Ninety-seventh.

Ninety-ninth.

One Hundred First.

One Hundred Fourth.

One Hundred Seventh.

One Hundred Twelfth.

One Hundred Fifteenth.

One Hundred Seventeenth.

One Hundred Nineteenth.

One Hundred Twenty-second.

One Hundred Twenty-fourth.

One Hundred Twenty-Sixth.

Twelfth.

Sixteenth.

Twenty-first.

Twenty-seventh.

Thirty-first.

Thirty-third.

Forty-fifth.

Fifty-sixth.

Fifty-ninth.

Sixty-second.

Seventy-sixth.

Seventy-ninth.

Eighty-sixth.

Ninety-third.

Ninety-fifth.

Ninety-eighth.

One Hundredth.

One Hundred Second.

One Hundred Sixth.

One Hundred Tenth.

One Hundred Fourteenth.

One Hundred Sixteenth.

One Hundred Eighteenth.

One Hundred Twenty-first.

One Hundred Twenty-third.

One Hundred Twenty-fifth.

One Hundred Twenty-seventh.

One Hundred Twenty-eighth.	One Hundred Thirtieth.
One Hundred Thirty-second.	One Hundred Thirty-sixth.
One Hundred Thirty-seventh.	One Hundred Fortieth.
One Hundred Forty-first.	One Hundred Forty-second.
One Hundred Forty-third.	One Hundred Forty-fourth.
One Hundred Forty-seventh.	One Hundred Forty-eighth.
One Hundred Forty-ninth.	One Hundred Fiftieth.
One Hundred Fifty-first.	One Hundred Fifty-second.
One Hundred Fifty-fourth.	One Hundred Fifty-fifth.
One Hundred Fifty-seventh.	One Hundred Sixty-fifth.
One Hundred Sixty-ninth.	One Hundred Eighty-eighth.

INCOMPLETE.

Second.	Third.
Fourth.	Fifth.
Eighth.	Eleventh.
Twentieth.	Twenty-second.
Twenty-fourth.	Twenty-fifth.
Twenty-sixth.	Thirtieth.
Thirty-sixth.	Thirty-ninth.
Forty-first.	Forty-second.
Forty-third.	Forty-fourth.
Forty-eighth.	Sixtieth.
Sixty-third.	Sixty-fifth.
Sixty-sixth.	Sixty-seventh.
Sixty-ninth.	Seventieth.
Seventy-first.	Seventy-second.
Seventy-third.	Seventy-fourth.
Eighty-first.	Eighty-fourth.
Eighty-fifth.	Eighty-eighth.
Ninetieth.	Ninety-sixth.
One Hundred Ninth.	One Hundred Eleventh.
One Hundred Forty-fifth.	One Hundred Forty-sixth.
One Hundred Fifty-third.	One Hundred Sixtieth.
One Hundred Sixty-first.	One Hundred Sixty-second.
One Hundred Seventy-third.	One Hundred Seventy-ninth.

One Hundred Eighty-second.
 One Hundred Eighty-fifth.
 One Hundred Eighty-ninth.

One Hundred Eighty-fourth.
 One Hundred Eighty-sixth.

NO RECORD.

First.
 Sixth Infantry.
 Seventh Reorganized.
 Fourteenth.
 Eighteenth.
 Twenty-ninth.
 Thirty-fifth.
 Thirty-eighth.
 Forty-seventh.
 Fifty-second.
 Fifty-fourth.
 Fifty-eighth.
 Seventy-fifth.
 Eightieth.
 Eighty-seventh.
 Ninety-second.
 One Hundred and Fifth.
 One Hundred and Twentieth.
 One Hundred and Thirty-third.
 One Hundred and Thirty-ninth.
 One Hundred and Fifty-eighth.
 One Hundred and Sixty-third.
 One Hundred Sixty-eighth.
 One Hundred Seventy-fourth.
 One Hundred Seventy-sixth.
 One Hundred Seventy-eighth.
 One Hundred Ninety-second.
 One Hundred Ninety-fourth.

Fifth Veteran.
 Seventh.
 Ninth.
 Seventeenth Reorganized.
 Nineteenth.
 Thirty-fourth.
 Thirty-seventh.
 Forty-sixth.
 Fifty-first.
 Fifty-third.
 Fifty-fifth.
 Sixty-eighth.
 Seventy-eighth.
 Eighty-second.
 Eighty-ninth.
 One Hundred and Third.
 One Hundred and Eighth.
 One Hundred and Thirty-first.
 One Hundred and Thirty-fourth.
 One Hundred and Fifty-sixth.
 One Hundred and Fifty-ninth.
 One Hundred and Sixty-fourth.
 One Hundred Seventieth.
 One Hundred Seventy-fifth.
 One Hundred Seventy-seventh.
 One Hundred Eighty-seventh.
 One Hundred Ninety-third.
 Ind. Corps Light Infantry.

Engineers.

INCOMPLETE.

First.
 Fiftieth.

Fifteenth.

U. S. Sharpshooters.

NO RECORD.

First Regiment.

First Battery.

GRAND TOTAL ON THE BASIS OF REGIMENTAL ORGANIZATIONS.

	No. of organizations.	Satisfactory.	Incomplete.	No. record.
Cavalry	33	11	10	12
Artillery.	15	10	4	1
Infantry.	182	76	51	55
Engineers	3	0	3	0
Sharpshooters . . .	1	0	0	1
	<u>234</u>	<u>97</u>	<u>68</u>	<u>69</u>

This table does not include the following:

One battalion of cavalry, the Twenty-third.

Oneida Independent Company of Cavalry.

Thirty-four batteries of light artillery.

Two battalions of infantry, the One Hundred and Ninetieth and One Hundred and Ninety-first N. Y.

Properly to understand the above table, the following explanations are necessary:

There were two seventh regiments of cavalry — one known as the First Battalion Mounted Rifles; the other as the Second Black Horse Cavalry.

The Seventeenth Cavalry failed to complete its organization and was never mustered.

What was known as the Twenty-third Battalion was consolidated with the Twelfth New York Cavalry.

After the cessation of hostilities the four regiments of provisional cavalry were formed, by the consolidation of veteran organizations.

There were twelve heavy artillery regiments, two regiments of light artillery, the first and third and thirty-four batteries of light artillery, of which many were eventually consolidated with one another.

Four of the heavy artillery regiments were originally mustered in as infantry, as follows:

The Sixth Heavy as the One Hundred and Thirty-fifth Infantry.

The Seventh Heavy as the One Hundred and Thirteenth Infantry.

The Eighth Heavy as the One Hundred and Twenty-ninth Infantry.

The Ninth Heavy as the One Hundred and Thirty-eighth Infantry.

The Third Regiment Light Artillery was originally mustered in as the Nineteenth Infantry.

The One Hundred and Thirtieth Infantry became known as the Nineteenth Cavalry.

The following infantry regiments failed to complete their organizations:

One Hundred and Seventy-first, One Hundred and Seventy-second, One Hundred and Eightieth, One Hundred and Eighty-first, One Hundred and Eighty-third.

The Fifteenth and Fiftieth Infantry were known as engineer regiments, exclusive of the First Regiment of Engineers.

But with all her generosity in time of war, New York has been magnanimous in time of peace. She has ever been first to respond to the call of duty; her purse and her blood have been placed at the disposal of the country with promptness and disinterestedness, and with a reinforcement to the cause that at times has been irresistible.

Although New York furnished nearly one-sixth of the fighting force of the northern armies during the War of the Rebellion, and her death list was nearly one-seventh of the aggregate, in the matter of pensions she has not only been considerate but modest, in proportion to the pensions to troops furnished, in comparison with all the other great States, as the subjoined table illustrates:

	No. of troops furnished.	No. of deaths.	No. of pensioners, June 30, 1895.	Amount paid for pensions.
New York.	448,850	46,534	88,719	\$12,321,771 27
Pennsylvania. . .	337,180	33,183	90,493	12,469,416 91
Ohio.	313,180	35,475	105,160	15,558,567 70
Illinois.	259,092	34,834	68,678	9,927,647 62
Indiana.	196,363	26,672	69,850	10,534,682 61
Total, all States.	2,778,304	350,686	967,043	\$139,053,392 59

THE NAVY.

More or less difficulty is apprehended in the matter of the compilation of the records of the navy, owing to the individual rather than to the regular organization character of the work involved. There were no distinctly New York State men-of-war, although in the fighting force of the navy, New York was represented by hundreds of heroes whose services deserve the highest recognition and commendation.

Self-Supporting.

Now that the department is in a position to produce some of its work in type, the question naturally arises, what policy is the best to distribute the volumes and render the department self-supporting. The State Historian has held the opinion that by economical administration, united with earnest and industrious effort, the office could be made not only self-supporting but yield a handsome revenue to the State.

All of which is respectfully submitted.

HUGH HASTINGS,

State Historian.

STATE CAPITOL, ALBANY, N. Y., *February 28, 1896.*

ANNUAL REPORTS

OF THE

Commissioners of Quarantine,

AND THE

Commission Created by Chapter 270, Laws of 1888;
also, Report of the Health Officer of the
Port of New York.

FOR THE YEAR 1895.

TRANSMITTED TO THE LEGISLATURE MARCH 4, 1896.

WYNKOOP HALLENBECK CRAWFORD CO.,
STATE PRINTERS,
ALBANY AND NEW YORK,
1896.

STATE OF NEW YORK.

No. 66.

IN ASSEMBLY,

MARCH 4, 1896.

ANNUAL REPORT

OF THE

Commissioners of Quarantine, together with the Report of the Commission Created under Chapter 270 of the Laws of 1888, and the Report of the Health Officer of the Port of New York.

STATE OF NEW YORK:

EXECUTIVE CHAMBER, }
ALBANY, *March 4, 1896.* }

To the Legislature:

I have the honor to transmit herewith the report of the Commissioners of Quarantine for the year 1895, and also the report of the commission created by chapter 270 of the Laws of 1888, to superintend improvements at the quarantine establishment.

LEVI P. MORTON.

REPORT.

STATE OF NEW YORK:

OFFICE OF THE COMMISSIONERS OF QUARANTINE,

71 BROADWAY, NEW YORK, *December 31, 1895.*

To the Legislature of the State of New York:

The Board of Commissioners of Quarantine would respectfully make their annual report as follows:

Most of the work done by this Board during the year 1895 will be found set forth in the report herewith submitted, of the Commission created by chapter 270, Laws of 1888, embodying, as it does, the report of our proceedings in detail.

Following the custom of several years, the Legislature made the appropriation for the Quarantine Establishment direct to the latter Board. It is, therefore, requisite that in the report of this Commission we state only briefly the facts specifically required by law.

It is a source of sincere congratulation that we are able to report such a limited number of infected vessels as having reached this port during the past year. The statistics regarding the number of patients and suspects are as follows:

	Persons.
The total number of suspects detained on Hoffman Island, and their baggage disinfected, during the year 1895 was.	1,959
The total number of patients transferred to Swinburne Island during 1895 was.....	14

Of these, two died, one death being caused by Chagres fever,

the remains of deceased being delivered to relations. The other death was caused by yellow fever. The remains of the latter were cremated, and the ashes delivered to relatives of the deceased.

Health Officer's Station.

At the Health Officer's station, Quarantine, Staten Island, there have been many improvements in the property. The lawns have been beautified and the general appearance of the place much improved. The buildings have been painted, electric work done, etc. Part of this improvement has been paid for by the Health Officer from the special appropriation of \$5,000 made by the last Legislature to this Board for such purposes, and the balance from the Health Officer's fees and care and maintenance fund of the Board.

On June 18, 1895, the wooden building used as an office by the Health Officer, was destroyed by fire. This occurred in the day time, but the flames spread with such rapidity that those in the building at the time had difficulty in escaping. Nothing was saved except such papers and books as chanced to be in the safe.

The insurance of \$6,000 on the burned building has been paid, and, under a decision of the Attorney-General, we have had plans drawn for a new building. The money in our hands will be sufficient for all requirements, and, as soon as the weather will permit, the work will be commenced.

Hoffman Island.

The report upon the enlargement of Hoffman Island will be found under the report of the Commission, created by chapter 270, Laws of 1888.

We feel that we should call attention to the need of renovating

and repairing the old dormitories. They are in very bad condition and unfit for use.

The frame dormitory on this island is a death trap. Our experience with the building which burned at the Health Officer's station, built of the same material, as this one, when in about twenty minutes the entire building was destroyed, has satisfied this Board that we cannot, under any circumstances, endanger the lives of "suspects" by placing them in this structure. It should be removed at once, and we earnestly request that the desired permission be granted.

We also wish to call the attention of the Legislature to the lack of water supply, which, when the island is enlarged, will become a necessity.

All the steam, water and sewer pipes on Hoffman Island we found in very bad condition, and under the supervision of the State Engineer and Surveyor extensive and thorough repairs are now in progress.

Swinburne Island.

The buildings on this island, with the single exception of the crematory, are constructed of wood. They are very old and very dilapidated. This is the hospital island, and it is here that all contagion which enters our harbor must be received. Surely this is a place where nothing should be left undone to make it a model institution, where the best of care could be given and received in epidemics, and where disinfection and every method of preventing the spread of contagion would be at hand. Besides, the people who are unfortunate enough to be brought here should expect and receive protection from fire and the elements, which the present structures do not furnish. During the year the Board has

found it necessary to repair the sewer and drain pipes, as also the plumbing and steam pipes.

About \$750 have been expended and the work done has been only the most necessary repairs. It has been but a beginning of what should be done. We have felt that the rebuilding of the entire system was so very necessary that we have hesitated to do more than repair what was absolutely so bad that it could not be more than repair what was absolutely so bad that it could not be left. We sincerely hope and earnestly urge that these hospital buildings be removed and new fire-proof structures replace them at once.

Hospital Ship Samuel D. Carleton.

The hospital ship Samuel D. Carleton has not been in use during the year, and, according to the ideas of this Board, will, in the future, be useless. The Health Officer assures us he would, under no circumstances, have any use for this ship, and we urge that she be sold, and the money received by the sale be made available for the purchase of two launches to be used on the two islands, and no one who has not witnessed the crude, and, at times, useless means of reaching land by row boats in bad weather, can fully appreciate how necessary the new boats are to the department.

Cable.

We are constantly in need of more ready means of communication with the islands. Even during times when there is little sickness and few people are detained, the Commission finds it necessary to be in daily touch with the entire department, and in times of sickness we should not be hampered, as we understand the Board was in 1892, by the lack of telephone wires. We urge the necessity of a new cable to both islands. Emergencies may arise at any moment and a department like this is supposed to be always

prepared. It is the aim of your Quarantine Commission to have this department, charged, as it is, with the responsibility of preventing all forms of contagious disease from entering this port, always in readiness and equipped for any emergency. Contagion comes unannounced and often when unexpected. Should it once pass and enter the city, or should it not be readily stamped out and destroyed on the Quarantine Islands, there is no limit to the destruction to both life and business which might occur through lack of preparation. We ask nothing but what we believe to be a necessity and know to be for the perfecting of the Quarantine Establishment, which has, during past years, failed to keep abreast of the progress which preventative medicine has made in the methods and means of preventing contagion.

The financial statement of the board is as follows:

Financial Report.

CREMATORY FUND.

Balance on hand December 31, 1894, on account of "Crematory Fund," as per last report.....	\$744 24
This fund has not changed during the year 1895, and there was on deposit with the bank, to the credit of the Board of Commissioners of Quarantine, on account of this fund, on December 31, 1895.....	744 24

RETURN FEES.

Balance in bank, December 31, 1894, being part of an amount received from Dr. Wm. T. Jenkins, Health Officer, July 30, 1892, from excess of fees; on account of above fund as per last report.....	\$18 34
This fund has not changed during the year 1895 and there was on deposit with the bank to the credit of the Board of Commissioners of Quarantine on account of this fund on December 31, 1895.....	18 34

INSURANCE.

June 18, 1895, the doctors' office and its contents at the Health Officer's station, at Clifton, Richmond county, New York, were destroyed by fire, and there was received from the Greenwich Fire Insurance Company on October 23, 1895, the full amount of the insurance on the buildings, viz..... \$6,000 00

And there was on deposit with the bank to the credit of the Board of Commissioners of Quarantine on December 31, 1895, as an offset to the amount received. 6,000 00

All of which is respectfully submitted,

JACOB M. PATTERSON,

President.

E. J. PALMER.

FREDERICK H. SCHROEDER.

REPORT

OF THE

Commission Created by Chapter 270, Laws of
1888, for the Year 1895.

REPORT.

OF THE

Commission Created by Chapter 270 of the Laws of
1888, for the Year 1895.

December 31, 1895.

To the Legislature of the State of New York:

Pursuant to the requirements of the laws of this State, the Commission created by virtue of chapter 270, Laws of 1888, for the purpose of making, supervising and directing needed purchase for, and improvements at the Quarantine Establishment, at the port of New York, respectfully report as follows:

The Legislature of 1895 made appropriations as follows, for the purposes specified:

By chapter 1009, for care, maintenance and repairs of the Quarantine Establishment at Quarantine Station, and the purchase of library and scientific apparatus, the sum of.....	\$ 5,000
For care, maintenance and repairs of the Quarantine Establishment.	25,000
For extraordinary repairs to buildings and other damages on Hoffman Island, caused by storm August, 1893.	2,893
For the protection of Swinburne Island by rip rap stone work.	10,000
For the enlargement of Hoffman Island, concreting the same, erection of a dock and filling, according to the plans of the State Engineer and Surveyor, for the enlargement of said island.....	75,000

In addition, there was the usual appropriation for the salaries of the Commissioners.

In the report of the regular Quarantine Commission will be found a statement of the condition of the property under the care of the Quarantine Commissioners.

The special appropriation for use at the Health Officer's station has been expended in full, under the direction of the Board, for the purposes named by act of appropriation. The appropriation made for the protection of Swinburne Island by rip-rap stone, has proved adequate, and the Board, after advertising for, and receiving bids, awarded this work to P. Sanford Ross, whose bid of \$7,932.50 was the lowest received. The work is now progressing under the careful supervision of the State Engineer and Surveyor.

The appropriation of \$2,893 to meet the expenses of repairing buildings and other damages on Hoffman Island, caused by the storm of 1893, has been used to meet the dues contracted in such repairs.

Enlargement of Hoffman Island.

The work of enlarging Hoffman Island has progressed rather slowly during the year; many difficulties have been encountered, on account of the exposed position of the island. The most difficult part of the work, however, we believe to be finished. The sea wall of the exposed portion of the island is nearly completed, and sand is being pumped into the enclosure as rapidly as possible.

The work being done on Hoffman Island is of a substantial character. It should last many years and be a credit to the State, and to the ability and faithfulness of the State Engineer and Surveyor, who has had entire supervision from the beginning.

During the years 1894 and 1895 the Legislature made the following appropriations for this improvement:

By act chapter 486, Laws of 1894.....	\$160,000
By act chapter 932, Laws of 1895.....	75,000
Total.	<u>\$235,000</u>

The Act of 1894 made the sum of \$50,000 available up to June 1, 1895, and the balance of the amount appropriated (\$110,000) available on and after that date.

The estimated cost of completing the enlargement, which included the cost of surfacing the enlarged portion with a covering of cinders, concrete and American Portland cement, and not including the expenses of engineering and incidentals, amounted to about \$260,000.

Plans, specifications and estimates were prepared by the State Engineer and Surveyor, and at a meeting held August 4, 1894, at the office of the Board of Commissioners, 71 Broadway, New York, the contract was awarded to P. Sanford Ross, of Jersey City, N. J. for partially completing the proposed enlargement as far as the appropriation (\$160,000) of the Laws of 1894 would admit.

The following statement shows the estimated amount of work to be done, and cost of same at contract prices, with the amount appropriated (\$160,000) by chapter 486, Laws of 1894:

Estimated cost of the partial enlargement of Hoffman Island, New York Harbor, in accordance with the terms of the contract, dated September 4, 1894, of P. Sanford Ross, contractor, with the People of the State of New York.

Quantities.	ITEMS.	Contract price.	Amounts.
104,800 cubic yards..	Embankment.....	\$0 28	\$29,344 00
1,800 cubic yards..	Excavation old rip-rap.....	2 50	4,500 00
5,000 cubic yards..	Stone filling in cribs.....	83	4,150 00
28,800 cubic yards..	Rip-rap stone in place.....	83	23,904 00
10 cubic yards..	Am. Portland cement concrete...	7 00	70 00
900 cubic yards..	Coursed Ashlar masonry, including coping, in Am. Portland cement mortar.....	14 00	12,600 00
2,350 cubic yards..	Coursed rubble masonry in Am. Portland cement mortar.....	5 75	13,512 50
1,163,000 feet	B. M. Southern pine timber and plank, per M.....	29 00	33,727 00
69,100 pounds	Wrought iron.....	03½	2,418 50
7½ gross tons ...	Cast iron, per gross ton.....	35 00	262 50
1,000 pounds	Spikes and nails.....	03½	35 00
	Removing outhouses and plat-forms	500 00	500 00
			\$125,023 50
	<i>Deduct materials furnished by State:</i>		
2,000 cubic yards..	Old rip-rap stone	75	1,500 00
Total .....	.....	.....	\$123,523 50

Work under this contract began September 26, 1894, the expense to the State having been increased several thousand dollars, owing to the fact that the revision of the enlargement plans to suit the appropriation made by chapter 486, Laws of 1894, made it necessary to increase the amount of wall and rip-rap, and construct the same as a protection to the work, in a location where it would be of no use when the enlargement was completed.

The additional sum of \$75,000 appropriated by act, chapter 932 of the Laws of 1895, for completing the enlargement, except the top surfacing of the new work, became available June 5, 1895.

Under the clause of the contract, "Alterations and directions to be complied with, and quantities increased or diminished," the Board of Commissioners directed that the plans be revised and the quantities of work be increased to the extent required to complete the enlargement, not including the expense of finishing the top surface of the new work with a covering of cinders, concrete and Portland cement.

By the terms of the contract, dated September 4, 1894, any increase in the several quantities of work shall be paid for at the prices stipulated in the contract for the same class of work; but it was found that the funds available (\$235,000) would, when applied to the estimated quantities at contract prices, suffice for all of the work contemplated, except the embankment, which could not be carried up to the required height.

In order that the enlargement might be completed ready for the building foundations and the top surfacing, the contractor, P. Sanford Ross, entered into a supplemental contract, June 26, 1895, with the Board of Commissioners, to this effect:

"All work to be done in accordance with the article of agreement made and concluded the 4th day of September, 1894, between P. Sanford Ross and the people of the State of New York, represented by the Board of Commissioners created under chapter 270, of the Laws of 1888, for the enlargement of Hoffman Island, and in accordance with the plans and specifications exhibited at the letting of said work, except that the top elevation of all embankments shall be lowered to the elevation 97.00, and

the price of the embankment on the southerly portion of the new work, from the elevation 81.80 to the elevation of 97.00, shall be furnished and placed in the work at the rate of 21 cents per cubic yard; and the top elevation of the crib-work and the bottom elevation of the rubble wall shall be raised to the elevation 83.80.

The total cost of the proposed complete enlargement, based on the quantities estimated, at prices stipulated in the contract, dated September 4, 1894, and on the reduced price per cubic yard for embankment, per supplemental contract of June 26, 1895, is shown by the following statement:

Estimated cost of the complete enlargement of Hoffman Island, New York Harbor, in accordance with the terms of the contracts, dated September 4, 1894, and June 26, 1895, P. Sanford Ross, contractor. Chapter 486, Laws of 1894, and chapter 932, Laws of 1895. The top surfacing and tee landing are not included.

Quantities.	ITEMS.	Contract prices of 1894.	Contract price of 1895.	Amounts.
101,473 cubic yards	Embankment.....	\$0 28	....	\$28,412 44
135,134 cubic yards	Embankment.....	....	21	28,378 14
1,862 cubic yards	Excavation old rip-rap.....	2 50	....	4,655 00
6,080 cubic yards	Stone filling in cribs.....	83	....	5,046 00
48,230 cubic yards	Rip-rap stone in place.....	83	....	40,030 90
2,445 cubic yards	Coursed Ashlar masonry, including coping, in Am. Portland cement.	14 00	....	34,230 00
5,112 cubic yards	Coursed rubble masonry, in Am. Portland cement.....	5 75	....	29,394 00
1,378,000 feet	B. M. Southern pine timber, per M.	29 00	....	39,962 00
102,200 pounds	Wrought iron.....	03½	....	3,577 00
30 gross tons..	Cast iron, per gross ton.....	35 00	....	1,050 00
1.	Removing outhouse and platforms	500 00	....	500 00
				\$215,235 88
	<i>Deduct materials furnished by State:</i>			
1,672 cubic yards	Old rip-rap.....	75	....	1,254 00
Total .....	.....	.....	....	\$213,981 88

Hoffman Island Enlargement—Description of Work.

The present island, having an area of 259-100 acres, is to be extended to the eastward 150 feet, and southward 600 feet, so

that the total area of the old and new portions will be 9 92-100 acres. This does not include the rip-rap.

The enlarged portion is to be surrounded by a tight crib of southern pine timber filled with stone, and a masonry wall laid in Portland cement mortar. The crib walls are to be protected on the outside by heavy rip-rap of the following section, top width, 8 feet; face slope, $1\frac{1}{4}$ feet horizontal to one foot vertical.

The crib work, constructed of 12x12 inch longitudinal timbers and 10x12 inch cross-ties, all squared timber, and laid close, is to have a top width of 12 feet with a front and rear batter of 2 to 12 inches. The deck is to be of 12x12 inch timbers, and to be placed at the elevation of mean low water.

After the cribs are completed in place, a masonry wall 4 feet wide on top, with a front batter of 3 to 12 inches, and a vertical back is to be placed on the deck. This wall will be 15 feet high; the top elevation to be the same as the top elevation of the present island on its outer edge, and will be covered by a cut stone coping 4 feet wide and 12 inches thick.

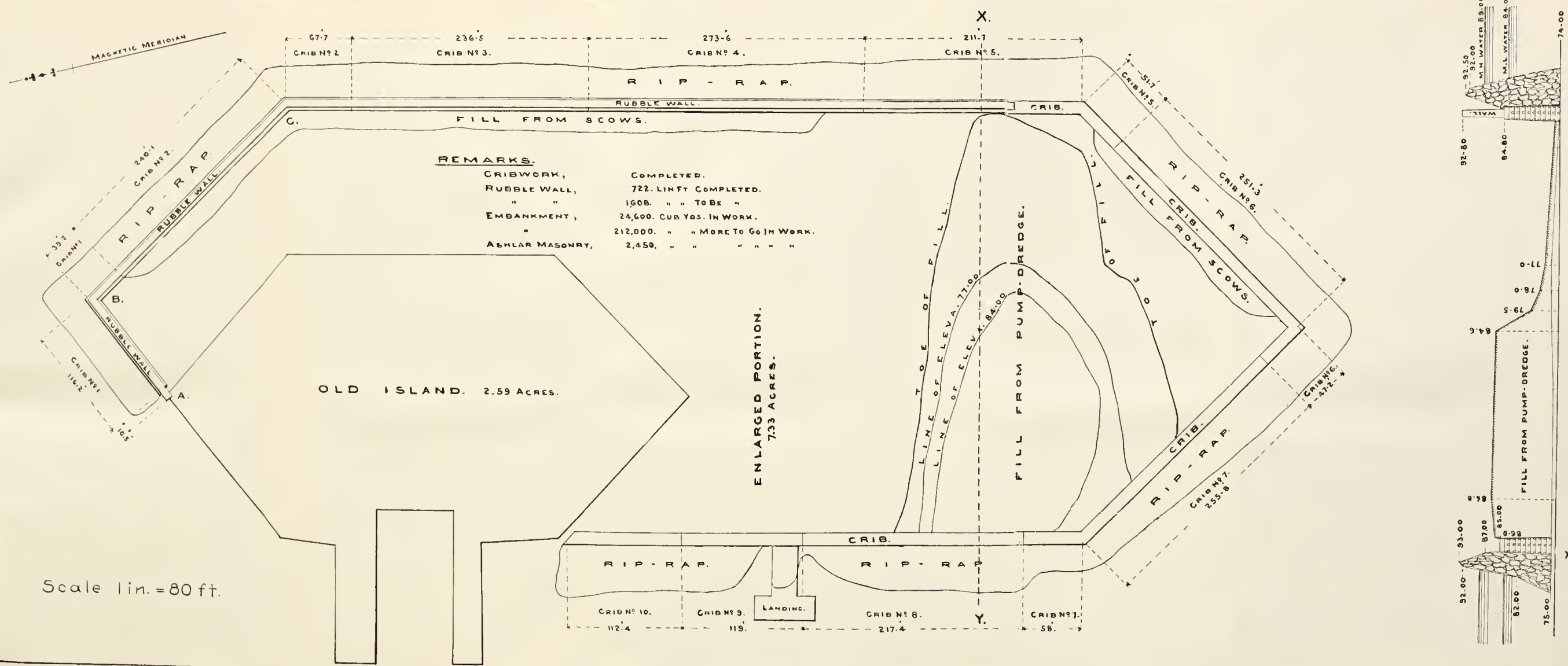
From the lower side of the coping to a level five feet below the wall, to be of cut Ashlar masonry, and from this level to the deck of the crib, of coursed rubble masonry. All masonry is to be laid in a mortar, composed of three parts of sand to one part of American Portland cement.

The enlarged portion, enclosed by the crib and wall, will be filled with material taken by pump dredges from the shoals about the island.

Pipes will be laid through the wall and rip-rap for sewer connections. Man-holes and catch-basins will be constructed where necessary.

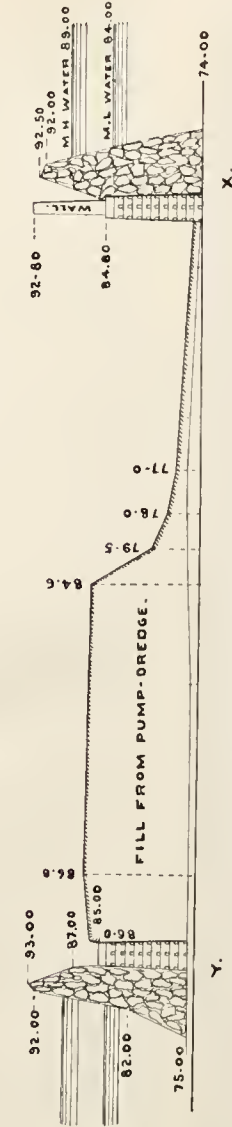
After the beginning of the enlargement work, it was considered necessary to construct a pile landing pier on the west side of the southerly enlarged portion of the island, in order to provide a way for keeping the detained cabin and steerage passengers separated. This landing has been constructed during the year. The stairway landing in the slip of the present island was found to be worn out and in a dangerous condition, and has





HOFFMAN ISLAND

Outline of present Island and proposed enlargement.
Showing work done up to Jan. 1st. 1896.



SECTION THROUGH X-Y.

HORIZONTAL SCALE 1 IN. = 80 FT.
VERTICAL " 1 IN. = 16 FT.

been rebuilt in a new location, thereby increasing the amount of space in the slip for the Health Officer's boats when landing passengers from quarantined vessels. The cost of these improvements are included in the monthly estimates of work done, and have increased the cost of the enlargement about \$3,000.

The following statement, arranged by months from the beginning of the work, gives the amount of work done by the contractor, the percentage retained, the amounts of payments or amounts due, and also the expenditures for printing and advertising up to January 1, 1896:

MONTH.	Year.	Total amount of work done.	Percentage retained.	Amount of payment.
October	1894	\$8,400	\$1,260	\$7,140
November	1894	9,740	1,461	8,279
December	1894	3,940	591	3,349
January	1895	6,160	924	5,236
February	1895	2,300	345	1,955
March	1895	6,040	906	5,134
April	1895	7,100	1,065	6,035
May	1895	6,280	942	5,338
June	1895	3,500	525	2,975
July	1895	12,940	1,941	10,999
August, and to September 13....	1895	7,680	1,152	6,528
September 13 to October 1	1895	12,060	1,809	10,251
October	1895	11,060	1,659	9,401
November	1895	6,720	1,008	5,712
December	1895	5,220	783	*4,437
Totals		\$109,140	\$16,371	\$92,769

*The amount due for the December estimate of work done, \$4,437, will not be paid until after January 1, 1896, and will be entered in the financial statement for the year ending December 31, 1896.

For printing and advertising.

	Printing.	Advertising.
September 19 to December 31, 1894.....	\$49 30	\$140 80
January 1 to March 1, 1895.....	18 00	.....
Totals.....	\$67 30	\$140 80

Amounts Expended for Engineering.

The construction work, including inspection, has been in charge of a corps of engineers from the department of the State Engineer and Surveyor. The salaries and expenses of the corps have been paid out of the sums appropriated for the enlargement.

The following monthly statement shows the total expenditures for this purpose, and also for engineering supplies and board of engineers on the island up to January 1, 1896:

MONTH.	Year.	Salaries, expenses and board.	Engineering supplies.	Remarks.
Sept. 19 to Dec. 31.....	1894	\$2,413 94	\$24 40	Paid in 1895.
January 1 to April 1	1895	1,972 43	7 60	Paid in 1895.
April 1 to July 1.....	1895	2,314 59	.....	Paid in 1895.
July 1 to October 16	1895	2,885 75	.....	Paid in 1895.
October 16 to Dec. 16...	1895	1,959 85	8 55	Paid in 1895.
Totals to Dec. 16....	1895	\$11,546 56	\$40 55	To be paid in 1896.
December 16 to Jan. 1..	1896	374 87	.....	
Totals for 1894-'95..	.....	\$11,921 43	\$40 55	

Remarks.—All amounts due after December 15, and to be paid after the year ending December 31, 1895, are to be inserted in the financial statement for the year ending December 31, 1896. The above statement shows actual liabilities for the year.

Summary of the total cost of work, engineering, etc., from the beginning of the enlargement up to January 1, 1896, also the amounts paid and due up to that date.

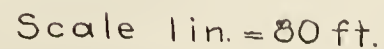
ITEMS.	Total liabilities up to Jan. 1, 1896.	Amounts paid up to Jan. 1, 1896.	Amounts remaining due Jan. 1, 1896.
Contract work.....	\$109,140 00	\$88,332 00	*\$15,588 00
Printing.....	67 30	67 30	†5,220 00
Advertising.....	140 80	140 80	.....
Engineering, salaries, board, etc.....	11,921 43	11,546 56	‡374 87
Engineering supplies.....	40 55	40 55	.....
Totals.....	\$121,310 08	\$100,127 21	\$21,182 87

* Fifteen per cent. on payments. † December estimate. ‡ Salaries, Dec. 16 to Jan. 1.

Remarks.—All amounts due January 1, 1896, are not included in the financial statement for the year 1895.



R. Feb. 1896



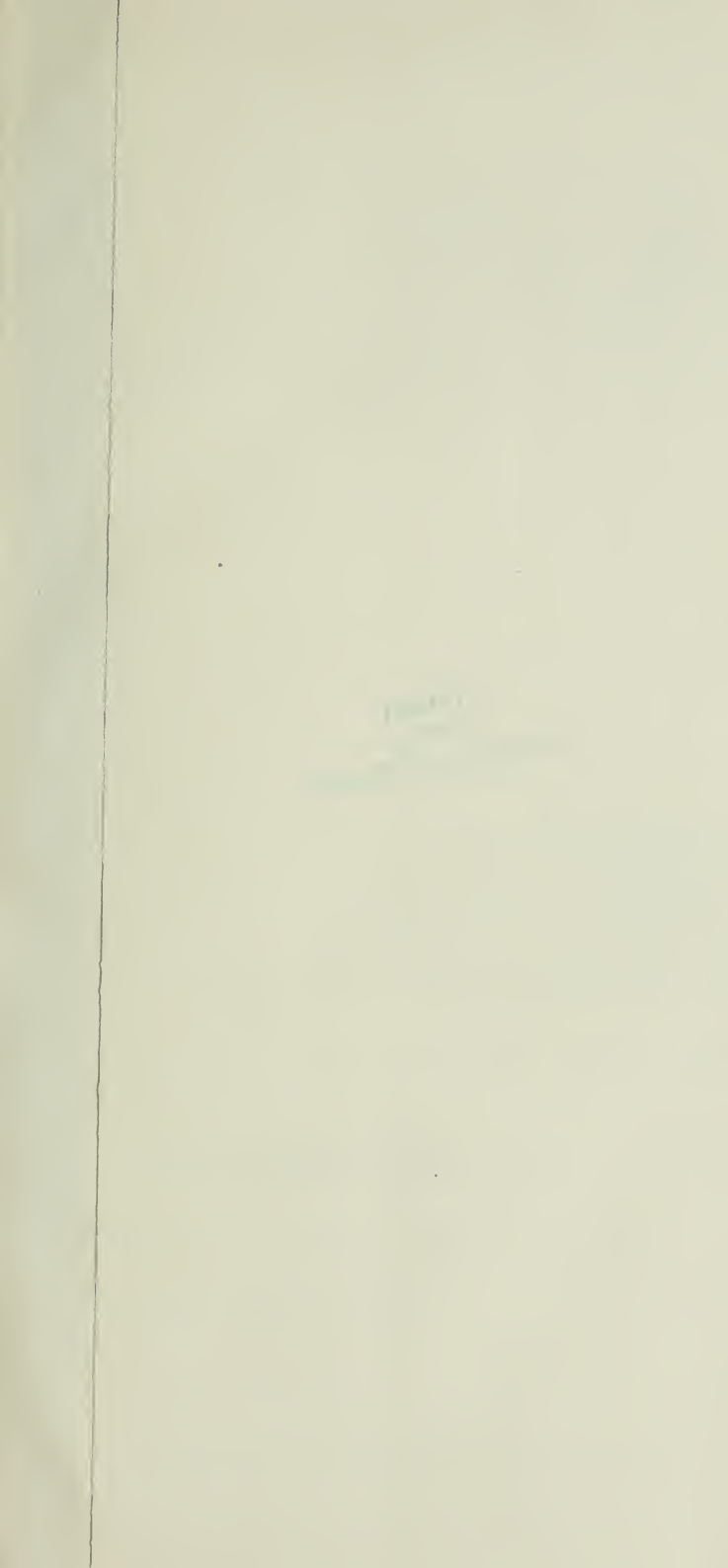
PROGRESS OF WORK OF THE ENLARGEMENT.

The following statement shows the total amount of the different items of work done from the beginning of the enlargement up to January 1, 1896; also the total cost of the same at contract prices:
Work done and material furnished up to January 1, 1896, by P. Sanford Ross, contractor, under his contracts, dated the 4th day of September, 1894, and the 26th day of June, 1895, for the enlargement of Hoffman Island, New York Harbor. Chapters 486, Laws of 1894, and 932, Laws of 1895.

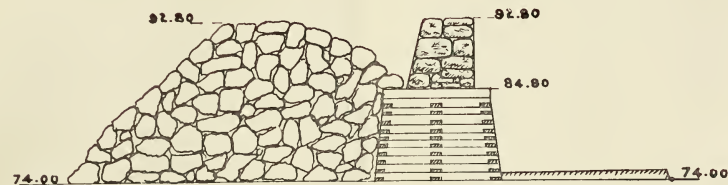
Quantities.	ITEMS.	Contract price.	Relative price.	Amounts.
24,600 cubic yards..	Embankment.....	\$0 28	-----	\$6,888 00
2,133 cubic yards..	Excavation old rip-rap	2 50	-----	5,332 50
6,100 cubic yards..	Stone filling in cribs.....	83	-----	5,063 00
39,200 cubic yards..	Rip-rap stone in place	83	-----	32,536 00
2,473 cubic yards..	Coursed rubble masonry in American Portland cement.....	5 75	-----	14,219 75
46½ cubic yards..	Portland concrete	7 00	-----	325 50
1,375,000 feet	B. M. Southern pine timber and plank, per M.....	29 00	-----	39,875 00
96,100 pounds.....	Wrought iron, per pound	03½	-----	3,363 50
2 2-10 gross tons...	Cast iron, per gross ton	35 00	-----	77 00
				\$107,680 25
	EXTRA WORK.			
	For labor, materials and necessary expenses for taking up and relaying salt water pipe, not covered by contract:			
	For labor	-----	-----	\$11 00
	For pipe, elbows, flanges, etc.....	-----	-----	53 05
	For expenses, board of men, cartage, etc	-----	-----	14 45
				108 50
	For tee landing and landing in old slip, not covered by contract:			
	For labor on gangway, due to change in plan	-----	-----	\$28 48
3,500 lineal feet....	White oak piles, driven, per lineal foot.....	-----	\$0 40	1,400 00
27,000 feet	B. M. Southern pine timber, per M	-----	32 50	877 50
				2,305 98
	For extra cement used in rubble wall, due to change in composition of mortar:			
250 barrels	American Portland cement, per barrel.....	-----	1 95	487 50
				\$110,582 23

		<i>Deduct materials furnished by State :</i>			
1,929 cubic yards..	Old rip-rap .....	.....	75	.....	1,446 75
	Total estimate to date.....	.....	.....	.....	\$109,135 48
	Total estimates, say.....	.....	.....	.....	\$109,140 00
	Fifteen per cent. retained .....	.....	.....	.....	16,371
	Amount due to January 1, 1896.....	.....	.....	.....	\$92,769

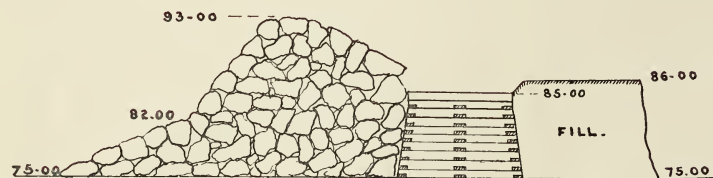
Owing to the difficulties met with in constructing the masonry wall during the winter season, the commissioners have given the contractor permission to discontinue this part of the work until spring. The rip-rapping and the embanking will not be discontinued.



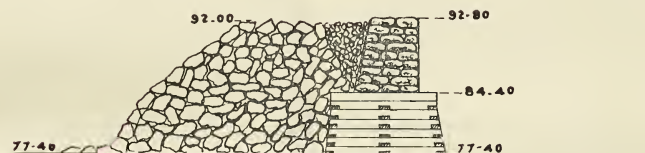
C.



SECTION AT X.



SECTION AT Y.



SECTION ON SIDE A-B.



SECTION ON SIDE B-C.

HOFFMAN ISLAND

Cross Sections of work in progress.
Scale 1 in. = 16 ft.

Plate "A," which accompanies this report, shows the outline of the old and enlarged portions of the island; also the condition of the work as far as completed, up to January 1, 1896.

Plate "B" shows the present island, and the enlarged portion, as it is to be enlarged in accordance with the provisions of act, chapter 486, of the Laws of 1894, and act, chapter 932, of the Laws of 1895, and also the outline of the buildings on the present island.

The large dormitory on the easterly side of the old island is a wooden building.

Plate "C" shows cross-sections of the work in progress.

Plate "F" shows a cross-section of the completed enlargement.

The old brick dormitories on Hoffman Island, built many years ago, have had but little repair since their construction. They are greatly in need of renovation and repair. We feel that necessity requires that they be improved in such a way as to make them safe, and a proper place for the reception of the people for whose use they are intended. The alterations contemplated would make these old buildings easy of disinfection and good enough for any emergency.

The frame dormitory erected in an emergency two years ago should be removed at once, as it is a menace to life and property. It is a mere tinder-box, three stories high, built of yellow pine, and so situated that should a fire occur, nothing could prevent the entire destruction of all the buildings on the island, with probable loss of life. This building can not be used for any other purpose. We have not, and would not, under any circumstances, dare to use it as a dormitory. We earnestly request that permission be granted to remove this building at once.

As the work of enlarging Hoffman Island nears completion, it is necessary that some steps be taken towards the erection of new dormitories for first and second-class passengers who may be detained in an emergency. It was for the accommodation of such passengers that the enlargement of this island was undertaken.

During the epidemic of 1892 the State was forced to purchase

Fire Island, for lack of such accommodations as are now proposed.

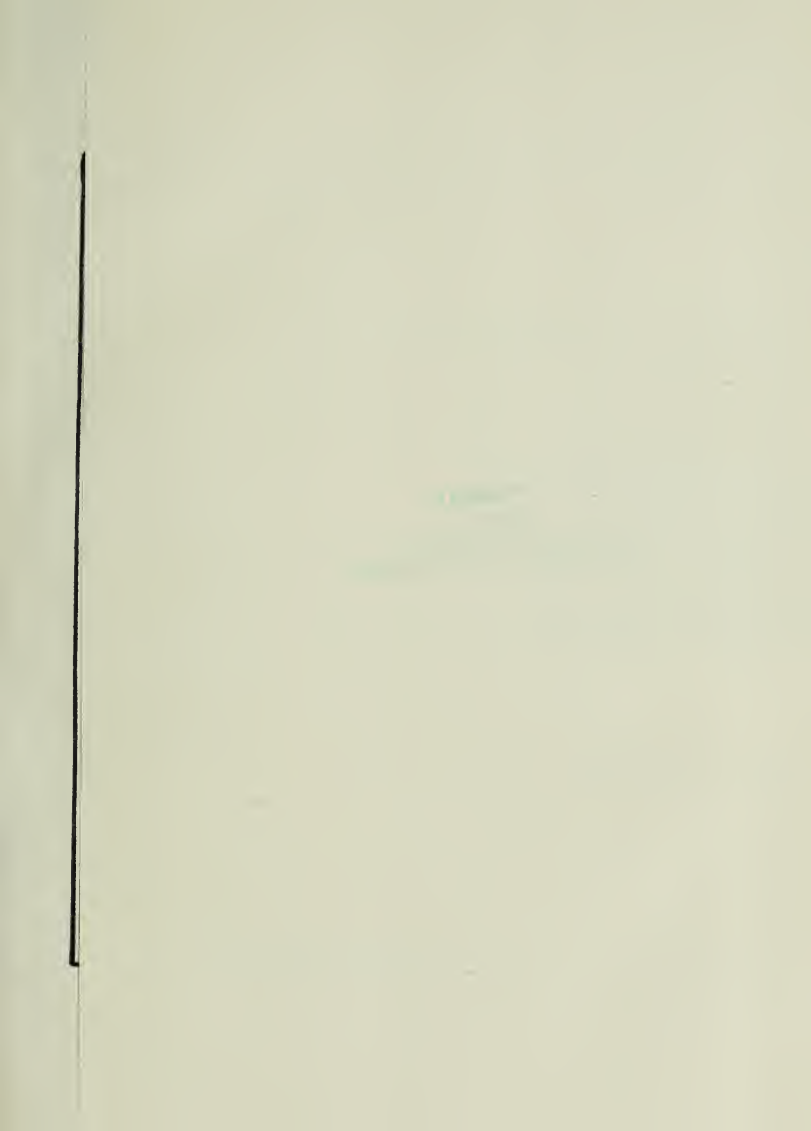
Swinburne Island.

This Board, in entering upon its duties, found the buildings on Swinburne Island in a most deplorable condition. Built many years ago, they are nothing but dilapidated structures, costing constantly and inordinately for repairs to keep them in condition for possible use; death-traps if fire should ever gain a foothold; as hospital buildings, entirely lacking in the possibility of disinfection or isolation, according to the ideas of modern medical science.

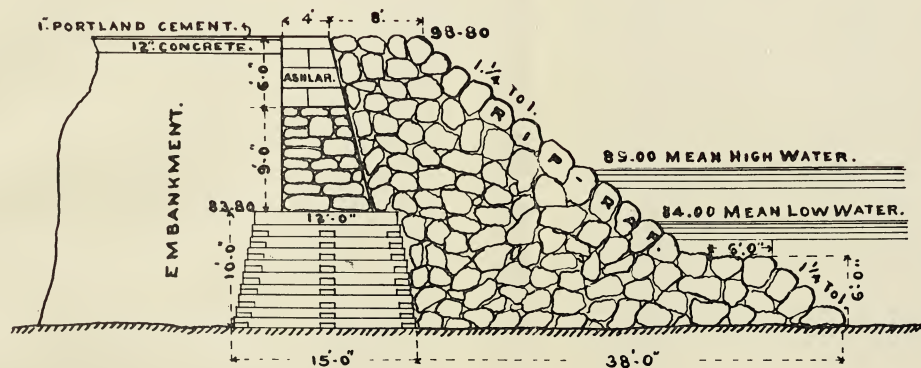
We recommend and urge that fireproof hospital buildings be erected. These buildings should be detached, and so built as to render isolation of the various diseases received here more easy of accomplishment. The hospital buildings at present on Swinburne Island are all connected with each other and with the keeper's house.

Every year since 1892 the Quarantine Board has urged the advisability of tearing down the old wards and erecting fireproof structures. Up to this time no appropriation has been allowed. The necessity for fireproof buildings can not be denied. In case a fire should occur, considering the inadequate water supply and the isolated condition of the islands, the terrible loss that would occur can not be foretold. The fact that this island is a great distance from the main land, and that there are no means of removing the patients who might be confined therein at the time of a fire, strongly appeals to those having the supervision of this hospital island to use every effort to secure proper buildings. The hospital at present on Swinburne Island can accommodate 500 people, and while it is true that the accommodation is ample under ordinary circumstances, still we firmly believe, for the reasons above mentioned, that fireproof buildings, equipped with all modern appliances, should be erected without delay.

In order that the needed structures may be built, we recommend that the sum of \$4,000 be appropriated for the purpose of securing plans, specifications and estimates for the proposed new buildings on Hoffman and Swinburne Islands.



F



HOFFMAN ISLAND.
 Section of completed Island.
 Scale 1 in. = 16 ft.

Repairs to Rip-rap on Swinburne Island.

Act, chapter 932, of the Laws of 1895, appropriates \$10,000 for repairs to rip-rap on Swinburne Island, to be expended under the direction of the Board of Commissioners created by act, chapter 270, of the Laws of 1888.

Plans, specifications and estimates were prepared by the State Engineer and Surveyor, and at a letting, held at the office of the Board of Commissioners, 71 Broadway, New York, September 13, 1895, the contract for making said repairs was awarded to P. Sanford Ross, of Jersey City, N. J. The contract was executed September 26, 1895, for the following quantities and items of work, and for the following prices:

Quantities.	ITEMS.	Price.	Amounts.
400 cubic yards	Broken stone or sea gravel in place.....	\$1 50	\$600 00
5,500 cubic yards	Rip-rap stone in place	92½	5,087 50
25 cubic yards	American Portland cement in place	10 00	250 00
133 cubic yards	Stone coping in place.....	15 00	1,995 00
	Total .....	.....	\$7,932 50

Up to January 1, 1896, the progress and cost of the contract work done is shown by the following statement:

Quantities.	ITEMS.	Price.	Amounts.
900 cubic yards	Rip-rap stone in place	\$0 92½	\$832 50
	Total estimate say .....	.....	\$340 00
	Fifteen per cent. retained ..	.....	126 00
	Amount due to January 1, 1896.	.....	\$714 00

The total amount due (\$714) for work done up to January 1, 1896, will not be paid until after January 1st, and will, therefore appear in the report of expenditures for the year ending December 31, 1896.

The actual total expenditures up to January 1, 1896, were as follows:

For advertising.	\$32 40
For advertising.	16 60
For printing.	6 42
Total.	\$55 43

Description of Work.

Hoffman and Swinburne Islands are built upon sand bars, and are subject to the action of the severe storms which occur in the lower bay; their only dependence for existence is upon the protection afforded by the rip-rap embankment which has been placed around them.

At Swinburne Island, this rip-rap embankment has been undermined by the action of the waves, and has settled to such an extent as to endanger the safety of the island

The present elevation of the top surface of the island is too low, and during storms the easterly side is frequently submerged.

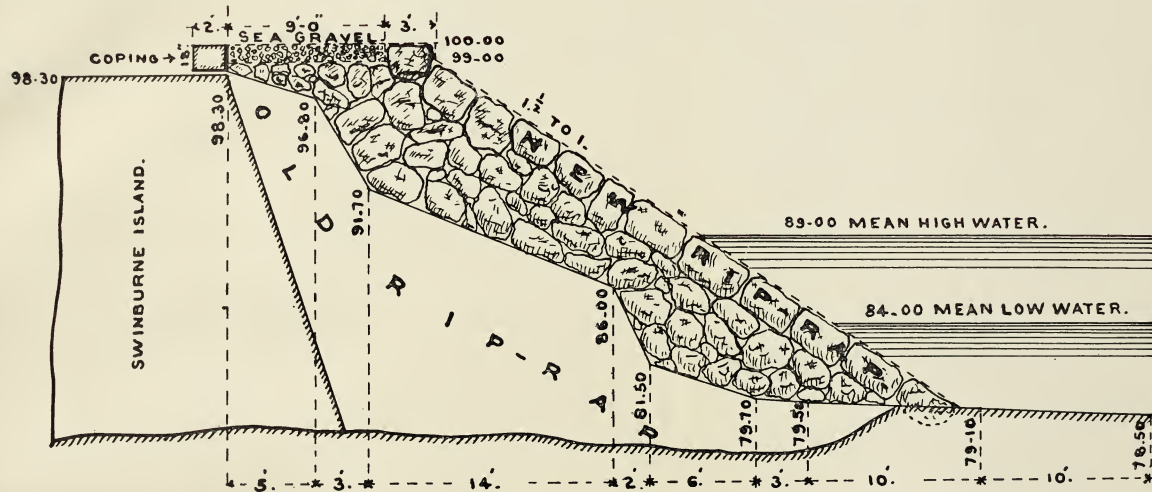
It is proposed to reinforce the island by means of rip-rap and stone coping, which will be carried up to an elevation of two feet higher than the present top surface of the island proper.

The entire outer edge of the present island is to be coped with granite or limestone, forming a stone parapet two feet high and two feet wide. In front of this parapet the old rip-rap will be strengthened by additional rip-rap, which will be carried up to an elevation one foot below the top of the stone coping. It will be twelve feet wide on top and have a face slope of one and one-half feet horizontal to one foot vertical. The top surface of this twelve-foot width of rip-rap is to be leveled off and covered with a twelve-inch layer of broken stone or coarse sea gravel. This finish will not only add to the fine appearance of the island, but will also render available, around the entire island, an additional space twelve feet wide, and will increase the area considerably.

Plate "D" shows the proposed plan of repairs.

Plate "E" shows the outline of the island, and location of the buildings.

D.



SWINBURNE ISLAND

Section showing proposed repairs.

Scale 1 in. = 10 ft.

JY. FEB. 1896.

The buildings on this island, with the exception of the crematory and morgue, are of wood, and the danger from fire is very great.

Area of Swinburne Island.

(Rip-rap not included.)

	Acres.
Island proper	2.015
Breakwater	0.141
The landing	0.215
Total	2.371

Water Supply for Hoffman and Swinburne Islands.

These islands depend on cisterns for their water supply. During dry seasons we have been forced to purchase water and when a considerable number of people are detained, the expense is great. The enlargement of Hoffman Island necessitating an increased consumption, will render a large supply absolutely necessary.

A pipe line run from between two and three miles under water, as has been proposed as a solution of the difficulty, would have its drawbacks, being liable to breakage and impossible to repair. If other means can be made available, they would be preferable.

The Board believes that there is a fair possibility of obtaining water by means of driven wells. The two letters addressed to Dr. James Hall, State Geologist, will give an idea of the situation:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
WASHINGTON, D. C., *January 30, 1896.*

Dr. JAMES HALL, *State Geologist, Albany, N. Y.:*

My dear Dr. Hall.—Your letter of the 22d instant was duly received. Mr. Darton has carefully considered the prospects for water on Hoffman and Swinburne Islands, but finds that he can not offer a precise prediction as to depths or relations of the water-bearing beds. There is a fairly definite probability that water may be found in the basal Raritan beds (lowest Cretaceous) lying

on the floor of crystalline rocks, as on Staten Island and at many points in New Jersey. From the best evidence we have it is believed that these basal beds lie about 600 feet below tide-water level on the islands in question, but they may be 100 or 200 feet higher. They consist of coarse sands and gravels, which are in every way favorable for the transmission of underground waters, and they are overlain by a mass of impervious clays which prevent the escape of the waters to the present surface. In a few of the wells in Middlesex county, New Jersey and at Woodhaven, Long Island, these basal beds, singularly enough, have not yielded a water supply, but they have proven satisfactory at many other localities. My best advice would be to sink a test well on one of the islands, and provide tubing and outfit to go to a depth of 600 feet.

Very truly yours,

(Signed) CHAS. D. WALCOTT,
Director.

TRENTON, N. J., *January 23, 1896.*

Prof. JAMES HALL, *State Geologist, Albany, N. Y.:*

My dear Dr. Hall.—Your letter was received this morning as I was leaving Trenton, so I write here (Washington).

From the success in boring deep wells in the red sand stone and also in the plastic clay (Raritan) formations of New Jersey, I have no hesitation in saying that the probability of finding a good supply of water on the Quarantine Islands is such as to warrant the undertaking of putting down wells thereon. The surface or upper formation is, no doubt, till, lying upon the clays. How deep the crystalline rocks may be I can not predicate, in the absence of any comparable data here at hand, but you can find in the "Geology of New Jersey," 1868, a note on borings at Fort Hamilton, which may be suggestive. Artesian wells in New Jersey, at Bordentown, Highstown, Jamesburg, Washington, Sayresville and Perth Amboy in the range of the extension to north east of our plastic clay series are successful.

1870
JANUARY 1st

AREA OF ISLAND.

ISLAND PROPER.

BREAKWATER.

TEE LANDING.

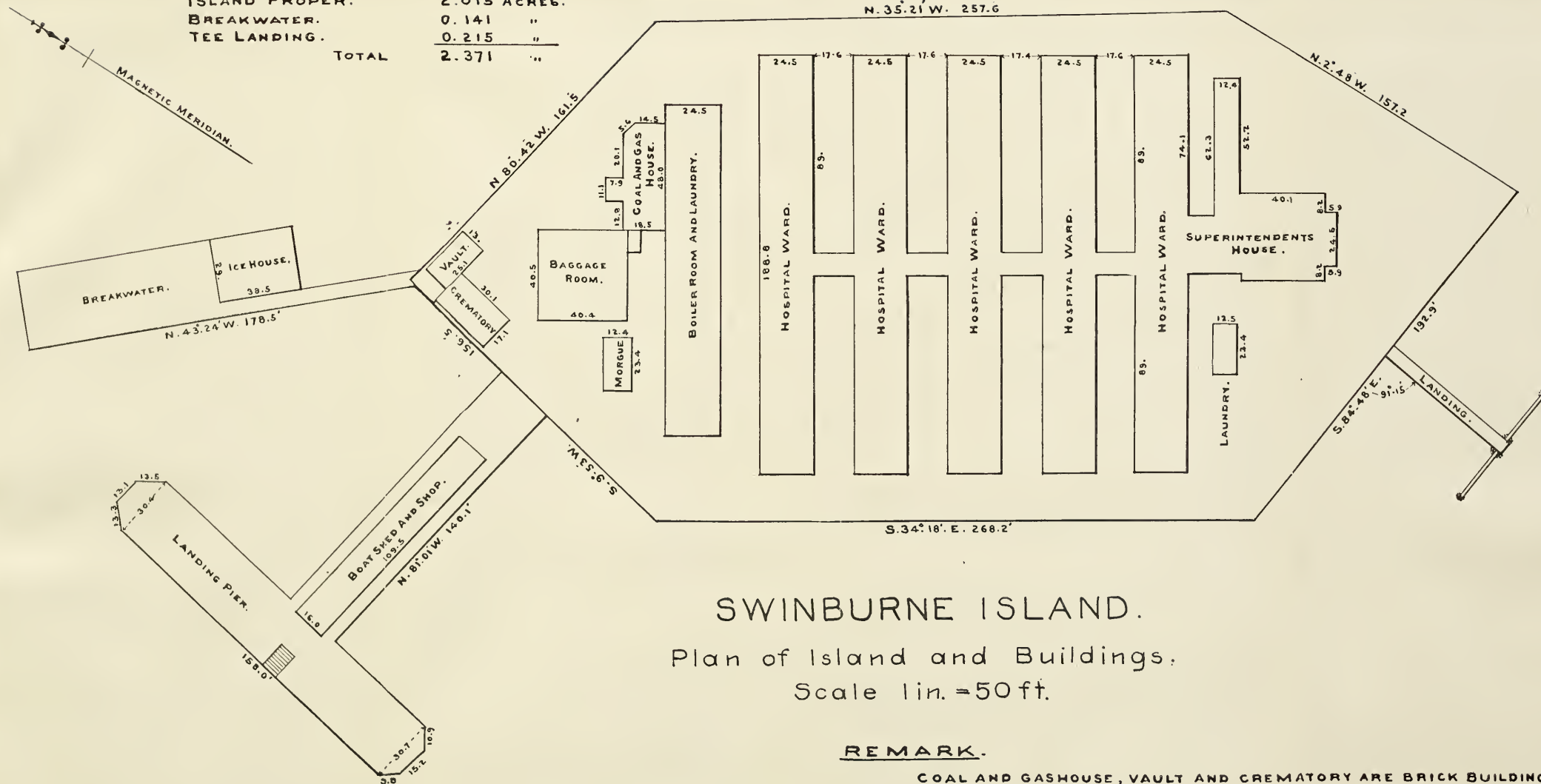
TOTAL

2.015 ACRES.

0.141 "

0.215 "

2.371 "



SWINBURNE ISLAND.

Plan of Island and Buildings.

Scale 1 in. = 50 ft.

REMARK.

COAL AND GAS HOUSE, VAULT AND CREMATORY ARE BRICK BUILDINGS,
ALL OTHERS ARE OF WOOD.

of course it might be necessary to go down several hundred feet, say 500 or more. The New Jersey wells are from 100 to 800 feet deep.

* * * * *

Yours,

(Signed) J. C. SMOCK.

While this work would of course have to be experimental in its nature, the advantages obtained, should it be successful, would be great. We therefore respectfully urge the Legislature to re-appropriate the sum of \$8,000, set aside by the act of 1894, and that this money be made available for the purpose of attempting to obtain water by driven wells and increasing the water supply by such means as may be deemed proper by this Board.

Hospital Ship Samuel D. Carleton.

The hospital ship, Samuel D. Carleton, has not been in use during the past two years. Upon consultation with the health officer of the Board, we are convinced that no possible emergency could arise where this ship would be of any service to the Quarantine establishment in the future. We, therefore, request that permission be granted to sell the hospital ship at the highest possible price, and that the money so obtained or such part of it as may be necessary, be expended by this Board for the purchase of two launches for use at Hoffman and Swinburne Islands. Access to these islands can only be had at present by row boats, and there are times when for days no one can leave or reach them. One accident, in which 10 lives were lost, has already occurred by the swamping of a row boat between Hoffman Island and the Staten Island shore. Those living on these islands should have safer and quicker means of transportation. Launches would also be valuable in case of an epidemic, rendering more efficient service than row boats.

Cable.

At present there are no means of telephonic or telegraphic communication between the shore and the Quarantine Islands.

A one-strand cable for a time gave fair service, but it has become broken and entirely useless. At all times people and baggage are being sent to Hoffman Island for detention and disinfection. The Health Officer needs some method of sending word in order that the preparations for them should be made before their arrival. Now a boat has to be dispatched for this purpose.

In case of sickness developing on either island or need of any assistance from the Health Officer or the Board, row boats have to be sent to the shore and in bad weather even this is impossible. In order to supply a new cable with sufficient strands to make its action always reliable, we estimate, after investigation, that the expense would be about \$8,000, and we would request that such an amount be granted this Board for the purpose named.

During the past year the Commissioners have been forced to rigid economy in making repairs to the property under their care. The three tug-boats, State of New York, Governor Flower, and Chas. F. Allen, in constant use in the department, have all been thoroughly overhauled and are in fairly good condition. There are many repairs needed on all the buildings at the Health Officer's station and at both islands which we have been unable to do. The appropriation granted by the Legislature of 1895 would not permit it. During this year to come, injury will result to the buildings if we are not able to place them in better condition. Furnishings in the administration buildings on both islands are so dilapidated as to make them almost unfit for habitation.

We feel that with the many demands we have upon us, we should and do most urgently request that the sum of \$35,000 be granted this Board for care and maintenance.

Financial Report.

MAINTENANCE FUND.

Fund for care and maintenance of Quarantine establishments. There was to the credit of this fund under chapter 358, Laws of 1894, on December 31, 1894, \$7,144.37, of which amount there was on deposit to the credit of the Board of Commissioners of Quarantine. . . .

\$5 27

And in the hands of State Comptroller..... \$7,139 10

Which amount has been paid over to the Board of Commissioners of Quarantine.

Appropriations made under Chapter 932, Laws of 1895..... 25,000 00

Total..... \$32,144 37

Less disbursements as per vouchers approved by State Comptroller to December 31 1895..... 21,410 62

Balance December 31, 1895..... \$10,733 75

Remaining in hands of State Comptroller..... \$10,000 00

On deposit with the United States National Bank to the credit of the Board of Commissioners of Quarantine on account of said fund..... 733 75

\$10,733 75

CARE AND MAINTENANCE OF HEALTH OFFICER'S STATION.

For the care, maintenance and repairs of the Quarantine Establishment at Quarantine station and the purchase of library and scientific apparatus, appropriation made under chapter 1009, of the Laws of 1895..... \$5,000 00

Less disbursements as per vouchers approved by State Comptroller to September 30, 1895..... 5,000 00

CARE AND MAINTENANCE OF RIP-RAP.

For the protection of Swinburne Island by rip-rap stone work. Appropriation made under chapter 932, Laws of 1895..... \$10,000 00

Less disbursements as per vouchers approved by State Comptroller to December 31, 1895..... 55 42

Balance on hand, December 31, 1895..... \$9,944 58

There was on deposit with the United States National Bank to credit of the Board of Commissioners of Quarantine, on account of said fund, on December 31, 1895.....	\$944 58	
In hands of State Comptroller, December 31.....	9,000 00	\$9,944 58

FUND FOR IMPROVEMENT OF QUARANTINE BUILDINGS, ETC.

Chapter 726, Laws of 1893.

Appropriation for the improvement of the Quarantine Establishment: Erection of new buildings and disinfecting apparatus, new boilers, dock, etc., on Hoffman Island; ice-house, new boilers and disinfecting chest, etc., on Swinburne Island, together with improvements at Health Officer's station, made under chapter 726, Laws of 1893; balance on hand December 31, 1894, as per last report.....	\$775 28
Less disbursements as per vouchers approved by State Comptroller to May 15, 1895.....	775 28

FUND FOR FURNISHING SPRING WIRE MATTRESSES.

Chapter 358, Laws of 1894.

Appropriation for furnishing spring wire mattresses for new dormitory on Hoffman Island, made under chapter 358, Laws of 1894; balance on hand December 31, 1895, as per last report.....	\$11 20
No change during year 1895, and same remains on deposit with United States National Bank to credit of the Board of Commissioners of Quarantine on account of said fund.....	11 20

FUND FOR ENLARGEMENT OF HOFFMAN'S ISLAND.

Appropriation for the enlargement of Hoffman Island for quarantine purposes, made under chapter 486, Laws of 1894; balance on hand December 31, 1894, as per last report, and in hands of Commissioners.	\$2,371 56
In hands of State Comptroller and since paid over to Board of Commissioners of Quarantine.	29,581 00
Appropriation made under chapter 486, Laws of 1894, available June 1, 1895.	110,000 00
Appropriation under chapter 932, Laws of 1895.	75,000 00
	\$216,952 56
Less disbursements as per vouchers approved by State Comptroller to December 31, 1895.	82,079 77
Balance, December 31, 1895.	\$134,872 79
In hands of State Comptroller.	\$131,668 00
In hands of Commissioners and on deposit with United States National Bank.	3,204 79
	134,872 79

EXTENSION OF DOCK AT HEALTH OFFICER'S STATION.

Chapter 768, Laws of 1894.

Appropriation for extension of dock at Health Officer's station, made under chapter 768, Laws of 1894; last report showed that on December 31, 1894, there remained in hands of State Comptroller, belonging to this fund.	\$2,168 09

Said sum still remains with him, December 31, 1895.

[Assembly No. 66.]

LIABILITIES CONTRACTED DURING CHOLERA EPIDEMIC OF 1892.

Chapter 726, Laws of 1893

Appropriation for bills and liabilities contracted by the Health Officer during the cholera epidemic of 1892, remaining unpaid, made under chapter 726 of the Laws of 1893. Last report showed that on December 31, 1894, there remained in hands of the Commissioners, belonging to this fund..... \$1,028 10

Said sum still remains with them, December 31, 1895.

CONSTRUCTION OF PIPE LINE FOR WATER.

Chapter 358, Laws of 1894.

Appropriation for construction of pipe line for fresh water supply for Hoffman and Swinburne Islands, made under chapter 358, Laws of 1894. Last report showed that on December 31, 1894, there remained in hands of State Comptroller, belonging to this fund..... \$8,000 00

Said sum still remained with him December 31, 1895.

Appropriation for extraordinary repairs to buildings, roofs, fences, etc., damaged by the great storm of August, 1893, made under chapter 932, Laws of 1895..... \$2,893 00

Less disbursements as per vouchers, approved by State Comptroller, July 9, 1895..... \$2,893 00

All of which is respectfully submitted.

E. J. PALMER,
President.

FRED'K H. SCHROEDER,
JACOB M. PATTERSON,
C. W. ADAMS.

REPORT
OF THE
HEALTH OFFICER.

Report of the Health Officer.

STATE OF NEW YORK:

HEALTH OFFICER'S DEPARTMENT,
QUARANTINE, S. I., *March 16, 1896.*

To the Board of Quarantine Commissioners:

Gentlemen.— I have the honor to submit the annual report of this department for the year 1895.

Article VII, § 110, Quarantine Laws, State of New York, requires that “every vessel arriving at the port of New York from any foreign port, and every vessel arriving from a domestic port (in the ordinary pasage from which they pass south of Cape Henlopen, arriving between the 1st day of May and the 1st day of November), shall, on their arrival at the Quarantine ground, be subjected to visitation by the Health Officer.”

In conformity with the above, the following vessels were inspected at this station between January 1, 1895 and January 1, 1896:

TABLE No. 1.

Foreign.

NATIONALITY.	Steamers.	Ships.	Barks.	Brigs.	Schooners.	Totals.
American	360	62	143	50	570	1,185
British	1,504	85	131	60	533	2,314
German	411	29	15	.....	.....	455
French	102	1	8	.....	.....	111
Italian	4	2	54	1	.....	61
Spanish	41	.....	4	.....	.....	45
Russian	13	.....	7	.....	.....	20
Dutch	117	5	4	.....	1	127
Hawaii .....	.....	7	3	.....	.....	10
Austrian .....	.....	.....	.....	2	.....	2
Norwegian	185	2	40	1	.....	228
Portuguese	16	.....	8	.....	.....	24
Swedish .....	.....	2	8	1	1	12
Belgian	68	.....	.....	.....	.....	68
Danish	27	2	9	.....	1	39
Brazilian .....	.....	.....	4	1	.....	5
Total	2,848	197	438	116	1,106	4,706

TABLE No. 2.

Domestic.

	Steamships.	Ships.	Total.
From June 18th to July 1st.....	43	121	164
July	102	220	322
August	103	216	319
September	106	191	297
October	109	207	316
Total	463	955	1,418

Referring to table No. 2, it will be seen that the number of vessels inspected between May 1st and June 18th, is not given. This portion of the record was lost in the fire which destroyed the office building on June 18, 1895.

TABLE NO. 3.

Comparison table of vessels arriving at the principal ports of the United States.

	Vessels.
New York, less domestic vessels inspected between May 1st and June 18th	6,124
Boston.	1,038
Philadelphia.	1,351
Charleston.	115
New Orleans.....	1,147
San Francisco.....	776

Cabin passengers on the incoming trans-Atlantic or mail steamers are not inspected on arrival at this port. The deposition of the captain and surgeon of the vessel that all are well and free from contagious disease is taken in lieu of this.

Cabin passengers, on arrival from South American and Cuban ports, and from ports where contagious disease is known to be very prevalent, are subject to the same inspection as the steerage passengers.

Contagious diseases found on incoming vessels are almost always confined to the steerage, and it is the experience of this Department, covering over a long period, that the above-described treatment of cabin passengers is safe and practical.

As will be seen by the following (Table No. 4), 258,560 steerage passengers arrived and were inspected at Quarantine during 1895:

TABLE No. 4.

NAME OF STEAMSHIP LINE.	Where from.	Steerage.
North German Lloyd	Bremen	44,326
White Star.....	Liverpool	30,725
Hamburg-American.....	Hamburg	30,141
Cunard.....	Liverpool	21,724
American	Southampton.....	19,580
General Transatlantique Co.....	Havre.....	16,469
Red Star	Antwerp	12,554
North German Lloyd	Mediterranean	11,691
Netherlands-American Steam Navigation Co.....	Rotterdam	11,416
Anchor.....	Glasgow	10,011
Anchor.....	Mediterranean	9,837
Fabre	Mediterranean	7,477
Thingvalla	Copenhagen	6,889
Union	Hamburg	6,404
Scandia	Gothenburg	6,398
Hamburg-American.....	Mediterranean	3,972
Allan State	Glasgow	3,512
Netherlands-American Steam Navigation Co.....	Amsterdam	2,286
Cunard	Mediterranean	920
Baltic	Stettin	347
Florio Rubatino	Mediterranean	44
Miscellaneous .....	.....	1,837
Total .....	.....	258,560

TABLE No. 5.

Comparison table of the number of steerage passengers arriving at this port during the year 1891-1895.

Year.	No. of steer- age passengers.
1891.	445,290
1892.	388,486
1893.	364,700
1894.	188,164
1895.	258,560

Article VII, § 119 (Quarantine Law), states, "That the diseases against which maritime sanitary regulations at the port of New York shall apply are yellow fever, cholera, typhus or ship fever, small-pox, scarlatina, diphtheria, measles, relapsing fever and any disease of a contagious, infectious or pestilential character, which shall be considered by the Health Officer dangerous to the public health."

At the present time this Department receives cases of yellow fever, cholera and typhus fever at the hospital on Swinburne Island. Cases of small-pox from incoming vessels are transferred by the Health Officer to the reception hospital of the health department of the city of New York, from which place they are taken to the small-pox hospital on North Brothers Island for treatment, without expense to this Department. Cases of measles, scarlet fever and diphtheria found on incoming vessels are kept carefully isolated and the health department of New York and Brooklyn notified, provided the patient should be a cabin passenger. If the case occurs in the steerage, the United States Commissioner of Immigration, at Ellis Island, is informed of the fact. The patients are removed by one of the above departments to hospitals for the reception of these diseases, and the infected apartment on the ship is thoroughly disinfected.

All cases of sickness found on incoming vessels, which are suspicious of yellow fever, cholera, typhus fever and small-pox, are removed to Swinburne Island for observation, and the remaining passengers and crew and the vessel treated as the occasion requires.

Small-pox.

During the past year, small-pox has been prevalent throughout the world, particularly in South American and Mediterranean ports, and it has required the utmost care on the part of this Department to prevent the entrance into New York of persons infected with this disease. Fortunately, thus far, none have passed quarantine.

Table No. 6 shows the number of cases of small-pox removed from incoming vessels, giving port of departure, nationality, etc.:

TABLE No. 6.

NAME OF VESSEL.	Date of arrival.	Ports of departure.	Name.	Age.	Sex.	Nativity.	Disease.	Result.	Number vaccinated.	Number held for observation.
Steamship Ems	May 28	Bremen	Harya Isluk.....	1	Female...	Hungary	Small-pox...	Discharged ..	....	....
Steamship Munchon	June 18	Bremen	Kat. Ostrenga.....	18	Female...	.....	Small-pox...	Discharged ..	....	....
Steamship Hevelius.....	Aug. 15	Inagua	J. H. Phenna.....	34	Male	England	Small-pox...	Discharged ..	39	78
Steamship Wordsworth.....	Sept. 27	Rio Janeiro	Philip Breen	26	Male	Ireland	Small-pox...	Discharged ..	....	....
Steamship Marsala.....	Oct. 5	Hamburg	D. Kiprakopontos..	37	Male	Hamburg	Small-pox...	Died	270	19
Bark Rose Innes	Oct. 23	Montevideo	Gerald Peters	20	Male	England	Leprosy	Detained .....	....	3
Steamship California	Dec. 1	Palermo, Gibraltar.	C. Couriture.....	19	Female...	Italy.....	Small-pox...	Discharged ..	420	47
Steamship Alsatia	Dec. 19	Palermo, Leghorn, Gibraltar	D. Fresco	11	Male	Italy	Small-pox...	Discharged ..	206	26
Steamship Pascal	Dec. 24	Gibraltar	Mrs. Fresco .....	....	Female...	Italy .....	.....	Acc. patient..	....	....
Steamship Alsatia *	Dec. 19	Santos, St. Lucia... Palermo, Leghorn, Gibraltar	William Reed	45	Male	Ireland	Small-pox...	Discharged ..	26	24
Steamship Alsatia *	Dec. 19	Gibraltar	A. Fresco.....	5	Male	Italy	Small-pox...	Discharged ..	....	....
Steamship Alsatia *	Dec. 19	Palermo, Leghorn, Gibraltar	Vicola Fresco.....	12	Male	Italy	Small-pox...	Discharged ..	....	....
Steamship Alsatia *	Dec. 19	Palermo, Leghorn, Gibraltar	Angelo Fresco	8	Female...	Italy	Small-pox...	Discharged†..	....	....
Steamship Alsatia *	Dec. 19	Palermo, Leghorn, Gibraltar	Rosa Fresco.....	16	Female...	Italy	Small-pox...	Discharged...	....	....
Steamship Alsatia *	Dec. 19	Palermo, Leghorn, Gibraltar	Mad. Fresco.....	14	Female...	Italy	Small-pox...	Acc. patient..	....	....

* Thirty-six (36) passengers from the steamship Alsatia were transferred to Hoffman Island for observation on December 19. Small pox developed among those detained on December 26, and those marked thus (*) were removed to Reception Hospital on that date.

† Observation.

After the removal of a case of small-pox from a ship, a careful inspection is made, and all passengers who have occupied the same apartment, or who have been exposed, are removed with their effects to Hoffman Island for observation. They are detained here for two weeks, dating from the last exposure, this period being regarded as the incubation of small-pox. At the expiration of this quarantine, the steerage passengers are transferred to Ellis Island. All passengers and crew not presenting evidence of protection by recent successful vaccination, or by an attack of small-pox, are vaccinated immediately after the case is removed from the ship. All bedding and textile fabric in the infected apartment are destroyed by fire; or are subjected to disinfection by heat, the woodwork washed with a solution of corrosive sublimate and the apartment afterwards fumigated. The passengers not removed for observation are allowed to proceed with the ship to New York, where the remaining steerage passengers are transferred to Ellis Island. As a matter of extra precaution the names of the latter are forwarded to the health officer at the place given as their destination, and it is expected and hoped that these people are kept under observation for a period of fourteen days from their arrival at this port. It may be of interest to know that small-pox, as well as other contagious diseases, found in incoming vessels, is almost always among steerage passengers.

Yellow Fever.

This Department considers the period of incubation of yellow fever to be five days. The usual time consumed by steamers in passage from Havana to this port is three and one-half days. Instead of holding these vessels at Quarantine for sufficient time to complete the period of incubation, arrangements were made with Dr. Walter Wyman, Supervising Surgeon-General of the United States Marine Hospital Service, whereby Dr. D. M. Burgess, United States Medical Inspector at Havana, was instructed to examine all passengers about to embark for this port and issue certificates to all who were natives of Cuba, or who had had yellow fever. Such persons are not regarded as liable to contract yellow fever.

This rule went into effect on July 15th and continued until December 2d.

On the arrival at Quarantine of the vessels referred to all passengers not supplied with certificates, were transferred to Hoffman Island to complete the balance of the period of incubation (five days). The crew, which were not allowed ashore at Havana, and the passengers supplied with certificates were allowed to proceed to the city. This method retains the vessel about one hour at Quarantine. In my judgment the protection thus afforded is ample. In support of the safety and practicability of this method, I may cite the case of Bert. E. Hyde, who was a resident of Connecticut, and has been in different parts of Cuba for a year. He came to Havana a day or so before his embarkation, and arrived at this port on the steamship Seneca, August 12, at 7 a.m. Not having a certificate he was removed to Hoffman Island with 22 others; at this time he was apparently perfectly well, and so stated to the officers of this Department. On the following day about noon he was taken suddenly ill and was removed to Swinburne Island Hospital. The diagnosis of yellow fever was made on the following August 14, and he died on August 16. The autopsy confirmed the diagnosis. With the consent of his family the body was cremated. It would seem that the case of Hyde, who did not become ill until five days after leaving Havana would confirm the belief that the maximum period of incubation is a least five days. This has been doubted by some who regard the maximum period of incubation as three days. Particular reference is made to steamers coming from Havana as the time occupied by the passage is within the period of incubation. Vessels arriving from Brazil and other yellow fever infected ports require three or four weeks for the trip and are relatively less dangerous to the public.

Typhus Fever.

Outside of Russia very little typhus fever is at present known to exist. A few cases have recently been reported in Liverpool and Glasgow. There appears, however, to be no increase in the disease at those places.

Immigrants from Russia on arrival in Germany are carefully examined, disinfected and kept under observation for some time previous to their departure for this country. In this way the danger of the disease being brought to this port is very much lessened. In addition to these precautions every care is taken to detect the disease on the arrival of vessels at this port. All persons on incoming vessels who are sick with suspicious symptoms are removed with their baggage to Swinburne Island for observation, and their apartment in the ship thoroughly disinfected.

Cholera.

During the past year cholera has prevailed to a great extent in China, Japan, India, Brazil, Russia and Turkey. Fortunately these points are at a remote distance, and vessels departing from ports in the infected districts reach here only after a voyage of from three weeks to three months. As the period of incubation of cholera is not at the outside limit more than six or seven days, it will be apparent that the disease contracted at one of the infected ports referred to above would develop long before the vessel could reach an American port. It is not impossible that a succession of cases could occur which would cover the period of time occupied in the passage; however, a condition of this kind has not yet presented itself to this Department. The principal source of danger is the possibility of infection being introduced by the means of clothing, bedding, etc., as it is a fact that members of the crews on entering the infected locality are allowed to go ashore, mix with the natives and may return carrying germs of the disease in their garments and infect members of the crew who have not left the ship. This is common, not only in cholera, but small-pox and other diseases. In illustration of this I will cite the case of the engineer of a tramp steamer, who was removed at this station suffering from small-pox. The vessel visited a Brazilian port where small-pox was known to exist, the engineer did not go ashore, but received one or two visitors from town, who remained with him for some time. He became ill with small-pox about fourteen days afterwards. During the past summer cases of

cholera have been propagated on China ships in the same manner. In consideration of these sources of danger, I issued an order during the early summer, that all vessels arriving from cholera infected ports should be subjected to a special or general disinfection on arrival at this station. The special disinfection consists of removing the crew to Hoffman Island where they are given a bath and their clothing, bedding, etc., disinfected by heat, while this is being performed the forecastle and cabins are washed down with a solution of corrosive sublimate, and afterwards fumigated. This practice was continued until the latter part of November, when the bills of health from the infected ports indicated that the number of cases of cholera had been greatly reduced. It was regarded as safe at this time to discontinue the special disinfection and simply disinfect the forecastle.

Disinfection.

As small-pox, yellow fever and cholera have been very prevalent during 1895, and as the ship's forecastle is known to be the portion of vessels which is most liable to become infected on tramp steamers and other vessels not carrying passengers, I issued an order during the latter part of 1895, to the effect that all vessels of this class coming from infected ports would be subject to disinfection on arrival at this station. It may be stated that these vessels carry no surgeon, and the medical and sanitary work is carried on by a non-medical officer of the ship, and as a rule is unsatisfactory. The disinfection by fumigation of the forecastle is performed by generating sulphurous acid gas by burning sulphur; about four or five pounds of the latter is used to each 1,000 cubic feet of air space; all openings are closed by strips of gummed paper, and a seal placed on the door by the disinfector, accompanied by a notice signed by the boarding officer indicating when the apartment is to be opened. This disinfection, it will be understood does not depend on the outbreak of contagious disease on board, but is performed for the reason that the vessel has sailed from an infected port. When cases of contagious disease are removed from incoming vessels of this class, or where suspected

cases have occurred during the voyage and have recovered, or where bodies have been buried at sea without a positive knowledge that the disease was not of a contagious character, the vessel is subjected to a general or special disinfection, which, as has already been described, consists in disinfecting all living apartments in the vessel with corrosive sublimate and sulphur dioxide, (sulphurous acid gas), and the destruction of clothing, bedding and other textile fabrics, or their removal to Hoffman Island for disinfection by heat. As a rule the crew is removed to the latter place for bathing.

Passenger steamers properly equipped with medical officers, who have the passengers and crew constantly under observation, and who, with the master of the ship, certify that the proper precautions both at the port of departure and during the voyage have been taken for the protection of the passengers and crew are, as a rule, exempted from the above disinfection except where cases of contagious disease has occurred during the passage, or are found on the arrival of the vessel at Quarantine. When the latter occurs such vessels receive practically the same treatment as that indicated under the heading of small-pox, except that in cases where the patient is suffering from yellow fever, cholera, or typhus fever, vaccination is not necessarily performed and the passengers are not, as a rule, kept as long under observation. It will be appreciated that exigencies frequently arise, which can not be treated according to rule and demand special consideration.

Only in rare instances is it regarded as necessary to disinfect the ship's cargo, which is composed of articles that do not frequently act as a medium of contagion; neither is it apt to become infected by an outbreak of contagious disease during the passage, inasmuch as the passengers do not have access to the portion of the vessel containing the cargo; however, should the disease be cholera it is possible that the discharge from the patient may contaminate some of the articles contained in the hold of the vessel. The action necessary in cases of this character depends entirely on the result of careful investigation. As a matter of fact the most difficult problem to solve in ship sanitation is the determina-

tion of the proper method for the disinfection of the cargo when unfortunately this is deemed necessary.

My first inspection of the Quarantine station upon my assuming the duties of Health Officer, disclosed the urgent need of a bacteriological laboratory and a library. With a special appropriation of \$5,000, made mainly for this purpose by the Legislature in May, 1895, scientific apparatus, chemicals and books were purchased to supply this need. The value and importance of this laboratory have been amply demonstrated during the past summer when numerous bacteriological and pathological examinations have been required for the purpose of aiding in the diagnosis of suspicious cases arriving on incoming vessels. This work has been done entirely in our own laboratory with the most satisfactory results. Its value cannot be overestimated, when it is considered that during an outbreak of cholera or other contagious disease on vessels that arrive at this port bacteriological and pathological examinations are necessary to properly investigate the cases under observation.

Early in February, after consultation with the agents of the various transatlantic lines, I decided to inspect their mail and express steamers after sunset (the latter being the time prescribed by law as terminating the official day's work at Quarantine) thus enabling passengers to reach the city the same night instead of the following morning as has been the custom when they reached Quarantine after sunset. This also afforded the company an opportunity to begin the discharge of the vessel's cargo during the night and to proceed with repairs.

In order to have light sufficiently powerful and concentrated for the medical inspection of steerage passengers after sunset, a 200 candle power incandescent electric lamp mounted on a tripod was designed and constructed. This lamp being light of weight and portable is carried on board the boarding boat and is transferred and attached to the current found on board the vessel to be inspected; ample light of the proper quality is thus supplied. The list of vessels which are eligible for examination after sun-

set does not include steamships coming from Cuban, South American, and other infected ports or sailing vessels.

The steamship company and passengers concerned have expressed their appreciation of the accommodation thus afforded them by the night inspection.

As already stated to your honorable body, I desire to enter a protest against the use of the large, three-story, wooden building situated on Hoffman Island and built for the reception of steerage passengers who are held for observation. In view of the very inflammable material of which it is composed, with no adequate means of escape, and in consideration of the ignorant and excitable character of the people for whose reception it was constructed, I deem it absolutely unsafe, and would object to its use for the purpose intended. I would recommend that it be removed and the present brick pavilions be refitted and used until they can be replaced by a more suitable structure. I would also recommend that as soon as practicable the unfit and antiquated hospital pavilions now in use on Swinburne Island be removed and replaced by those of modern design and suitable for the reception of contagious diseases. The present structures are not only unfit for the use intended, but can not be properly cleaned and disinfected.

It is imperative that Hoffman and Swinburne Islands should be connected with this station by telephone or telegraph; preferably the former. While patients are at Swinburne Island, or passengers are held at Hoffman Island it is necessary that I should be in constant communication with them. At present I am dependent on the tug boats of this Department for such purpose. During rough weather, and at certain tides it is impossible for me to reach these places.

The fact that Hoffman and Swinburne Islands are at times not accessible make it very necessary that they should have an independent water supply if practicable, and I would suggest that this matter be taken into serious consideration.

I would also recommend that the hospital ship "Carleton," which is unfit for any Quarantine service be sold, and from the proceeds two launches for use at Hoffman and Swinburne Islands be

purchased. The present means of communication between these stations and with the mainland is unsafe.

During the early part of last year I directed that on and after April 1st, all officers and employes be uniformed while on duty. A distinctive uniform having already been selected. The result has been very gratifying, and it is evident that this change has been effective in stimulating discipline, and in increasing the respect and courtesy shown to the quarantine officials by the officers of vessels as well as the general public.

The expenses of this department during the past year have been considerably increased by the destruction of the administration building on June 18th, which involved not only a complete loss of this structure, scientific apparatus and books, but almost a complete loss of official records; fortunately, however, the books containing account of the financial part of the work of this Department were saved. Considerable money has been used for the necessary repair of the grounds at this station.

I regard it as very fortunate that the destroyed building was insured in the name of the treasurer of your Commission for \$6,000, which amount will be sufficient to construct a new office this spring without the use of State money.

By strict economy, I have been able to replace the scientific apparatus and library destroyed out of the regular fees collected by this Department.

The following table (No. 7) will show the financial condition of this Department, and the amount of receipts and disbursements:

TABLE No. 7.
Receipts and Disbursements, 1895.

MONTH.	INSPECTION.		Fumigation.	Night boarding.	Transportation.	Vaccination.	Medical inspection of immigrants.	Special discharging permits.	Miscellaneous.	From Comptroller for Fire Insurance and account.	Total receipts.	Total disbursements.
	Foreign vessels.	Coastwise vessels.										
Balance received from Dr. Jenkins.												
January to June 18th.	\$2,085 50	\$239 00	\$800 00	\$75 00	\$188 00	\$60 00	\$298 00	\$4 50			\$4,036 96	\$22,615 60
July	2,270 55	529 00	2,085 00	140 00	1,008 00		572 00	32 25		\$1,300 98	5,050 98	5,383 24
August	2,027 45	515 00	1,600 00	100 00	514 00	19 75	408 00	22 25	\$265 00	1,249 16	8,150 96	7,009 68
September	2,056 85	486 00	1,690 00	135 00	824 00	50	622 00	16 00		856 99	6,123 44	5,685 50
October	1,993 35	568 00	1,750 00	195 00	520 00	67 50	694 00	8 00	38 00	91 00	5,921 35	4,733 19
November	1,742 60	4 00	1,765 00	25 00	496 00		458 00	11 25			5,833 85	6,178 57
December	1,532 90		1,500 00	10 00	357 00		345 00	7 25			4,501 85	5,313 32
Totals	\$13,709 20	\$2,341 00	\$11,190 00	\$680 00	\$3,907 00	\$147 75	\$3,457 00	\$101 50	\$303 00	\$3,498 13	\$63,105 72	\$61,825 16

* Records burned with administration building, June 18, 1895.

Recapitulation.

Total receipts	\$63,105 72
Total disbursements	61,825 16
Balance on hand, January 1, 1896.	\$1,280 56

HEALTH OFFICER'S DEPARTMENT,
QUARANTINE, S. I., January 1, 1896.

Certified.

A. G. HALL, Secretary.

I can not speak too highly of the very valuable aid given me by Deputy Health Officers Sanborn and L'Hommedieu, and the other members of my official staff in the different emergencies which have from time to time presented themselves.

Very respectfully,

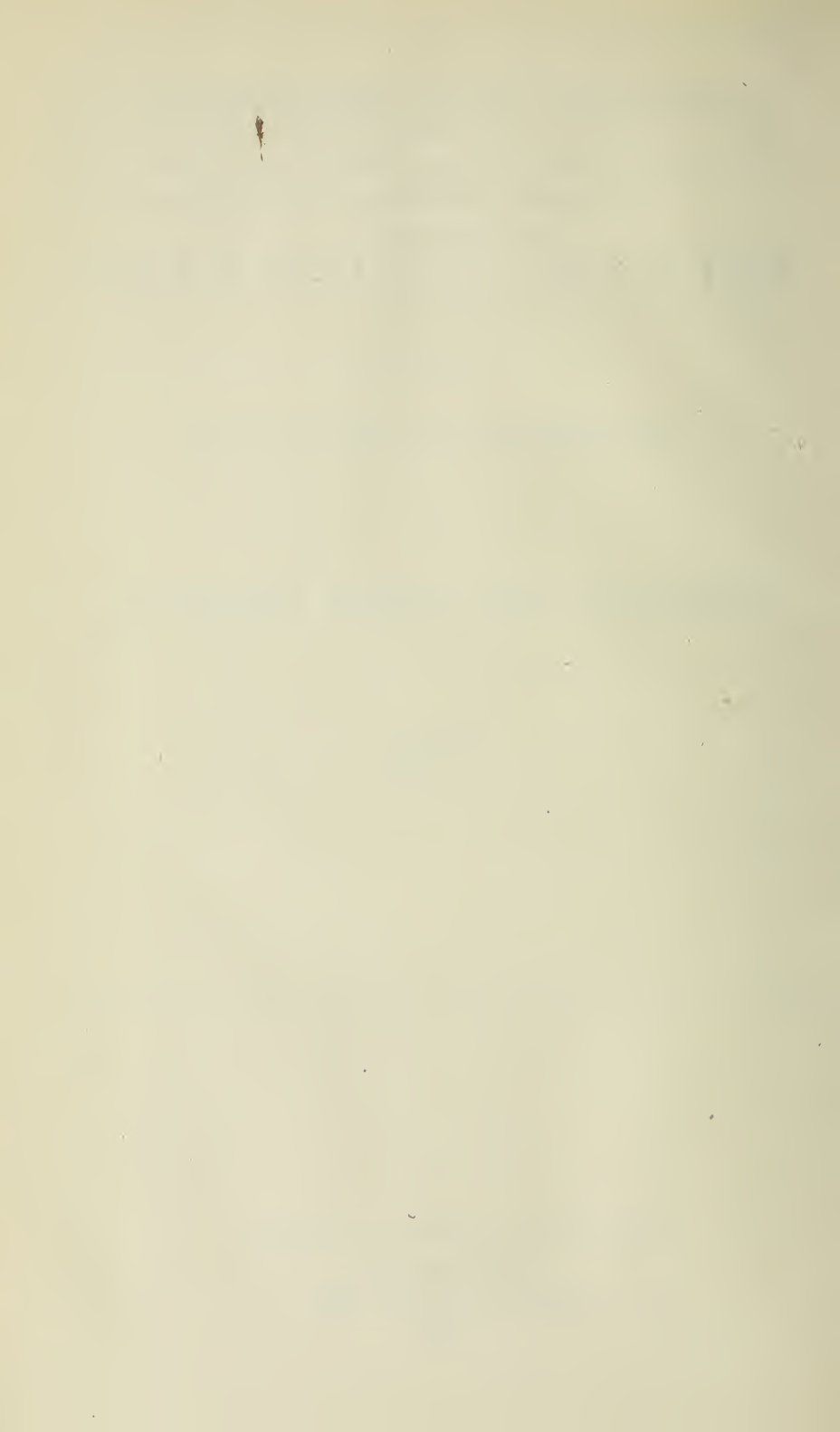
A. H. DOTY,

Health Officer, Port of New York.

REPORT AND TESTIMONY
OF THE
SPECIAL COMMITTEE
APPOINTED TO
INVESTIGATE THE DEPREDACTIONS
OF
TIMBER IN THE FOREST PRESERVE,
1895.

TRANSMITTED TO THE LEGISLATURE FEBRUARY 27, 1896.

WYNKOOP HALLENBECK CRAWFORD CO.,
STATE PRINTERS,
ALBANY AND NEW YORK.
1896.



STATE OF NEW YORK.

No 67.

IN ASSEMBLY,

FEBRUARY 27, 1896.

REPORT

OF THE

SPECIAL COMMITTEE APPOINTED BY THE ASSEMBLY
OF 1895 TO INVESTIGATE THE DEPREDATIONS OF
TIMBER IN THE FOREST PRESERVE.

To the Legislature of the State of New York:

The special committee of the Assembly appointed to investigate the depredations of timber upon State lands within the Adirondack Forest Preserve, have the honor to submit their report as authorized and required by the resolution which was adopted by the Assembly on the 3rd of May, 1895, upon the recommendation of the committee on public lands and forestry on certain affidavits referred to them relating to said depredations that a committee should be appointed to proceed to some convenient locality in the Adirondack Park or on the borders thereof, to examine and cross-examine deponents, which resolution was as follows:

Resolved, That the Speaker of this House be, and he hereby is authorized to appoint a special committee of five members to conduct an investigation of the alleged depredation of said timber lands. Such committee shall have power to send for books, papers and persons, to examine witnesses, to employ one stenographer and one messenger, and to incur the necessary and actual traveling expenses. Such subcommittee shall report to the next Legislature, and the expense of such investigation shall be paid out of the contingent fund of the Comptroller.

Under and pursuant to the said resolution Mr. Speaker Fish appointed Howard Payson Wilds, William White Niles, Taylor J. Eldridge, Thomas H. Wagstaff and Jacob L. Ten Eyck as such committee.

The committee met at the Capitol in the city of Albany, N. Y., on the 15th day of July, 1895, and organized by the election of Howard Payson Wilds as chairman, and Thomas H. Wagstaff as secretary; William Loeb, Jr., was appointed stenographer; and Josiah E. West attended upon the committee as the representative of the sergeant-at-arms of the Assembly.

At an interview then had by the committee with the Fisheries, Game and Forest Commission, maps of the Adirondack forest published by the State Forest Commission in 1893, were procured, which purported to show the location of the State lands, and which were the only means of information thereof obtainable by the committee, and by which the committee was obliged to be guided in the prosecution of their investigation of the alleged depredations of timber upon the State lands. On the 16th of July, 1895, at an interview had by the committee with Hon. William J. Morgan, deputy comptroller, copies of affidavits, statements and reports and information pertinent to the inquiry in

question were furnished to the committee. On and after the 2nd of August, 1895, George H. Boughton attended upon the committee during the time of their examination of witnesses as the representative of the Comptroller, having knowledge or information of the location of alleged trespassers upon State lands and of the persons cognizant of depredations of timber thereon whose examination was deemed important.

The investigation has been made with as much particularity and care as has been possible during the time at the disposal of the committee. The examination of witnesses has been conducted by the committee itself without the assistance of counsel at its sessions as follows: At Stevens House, Lake Placid, N. Y., August 2nd to 6th, 1895, five witnesses; at Hunters' Lodge, Fulton Chain, N. Y., August 5th, 1895, one witness; at Leland House, Schroon Lake, N. Y., August 7th to 20th, 1895, twenty-seven witnesses; at Adirondack House, North Creek, N. Y., August 20th to 22nd, 1895, seventeen witnesses; at Prospect House, Blue Mountain Lake, N. Y., August 23rd to 27th, 1895, four witnesses; at the Sagamore, Long Lake, N. Y., August 28th to 30th, 1895, nine witnesses; and at United States Hotel, Saratoga Springs, N. Y., September 16th to 18th, 1895, two witnesses. The sixty-five witnesses thus examined have been lumbermen, contractors, jobbers, saw-mill owners, foresters, and inspector, farmers and residents of the neighborhood of large tracts of State lands, having or believed to have special knowledge of the location and bounds of the State lands and of trespasses committed thereon.

Few of those examined have appeared to be willing witnesses of the matters testified to by them. Nearly all have seemed to testify reluctantly. As said by one of the foresters, "They are all neighbors and they all want to trespass some if they can get

a chance, and, as a rule, they won't squeal on each other. If a man does and it is known they turn him down pretty quick." And as testified by an inspector, "Residents in favor of enforcement of the law would hesitate about making a complaint on account of the opposition they would meet with from those in the business." It was, therefore, only after the most rigid examination that any evidence of value was obtained. The examination of witnesses has been generally limited to trespasses committed on State lands during the last five years, and has been intended to disclose their knowledge or information thereof, and of the time and circumstances of the same, and of the acreage cut over, and of the number of markets of timber cut or taken in each case, and the persons engaged therein, and their knowledge or information of any license, authority, permission or acquiescence appearing to have been given by any State official in respect to such trespasses, and their knowledge or information of any prosecution or settlement therefor in each case.

The testimony taken relates to certain State lands in Essex county, comprising 72 lots; in Franklin county, 2 lots; in Hamilton county, 23 lots; in Warren county, 21 lots; in Saratoga county, 7 lots; in all 125 lots embracing over 35,000 acres State lands. The following is a statement of the lots referred to which are State lands, and a very brief summary of testimony given respecting timber cutting thereon:

1. Essex county.—Town of North Elba, old military tract, township 11, lot 218. Benjamin Wood testified, in 1894-95 cut 40 cords hard wood; Martin Flanders, in 1893-94 cut hard wood by permission of the forester. G. T. Chellis testified, nearly stripped of merchantable timber in northeast quarter.

2. Essex county.— Town of North Elba, old military tract, township 11, Richard's survey, lot 360. G. T. Chellis testified, on north half in about 1894, Hiram Jaquash cut about 100 standards.

3. Essex county.— Town of North Elba, old military tract, township 11, Richard's survey, lots 20, 40, 60, 81, 39, 59, 80, 99, 98, 77, 58, 38, 118, 138 and township 12, Thorne's survey, lots 1, 8, 15, 22, 29, 36. G. T. Chellis testified, stripped of marketable timber by E. M. Ames, during number of years previous to about 1890.

4. Essex county.— Town of North Elba, old military tract, township 12, Thorne's survey, lot 64. G. T. Chellis testified, Samuel Armsby in about 1893-4 cut about 100 standards.

5. Essex county.— Town of North Elba, old military tract, township 12, Thorne's survey, lot 131. G. T. Chellis testified, John Welsh cut from year to year, well lumbered over.

6. Essex county.— Town of Minerva, Totten & Crossfield Purchase, township 14, Pond's survey, lot 75. John Bennett testified, cut from this lot in 1894, 1,395 pieces or 354.39 markets of spruce; sold same to J. C. Eldridge, and paid or allowed him 30 cents stumpage, and he paid the same to Thomas Powers.

Daniel Lynch testified, 50 acres cut over by John Bennett.

Thomas Powers testified, seized the logs, 354 markets, cut by John Bennett; reported same to the Forest Commission; settled trespass for 35 cents per market with J. C. Eldridge, to whom the logs were sold.

8. Essex county.— Town of Minerva, Totten & Crossfield purchase, township 16, Pond's survey, lots 16, 17. Charles Callahan testified, that he and Tom Flynn cut for P. Moynehan in 1891-92, about 1,100 markets of hemlocks.

8. Essex county.— Town of Minerva, Totten & Crossfield purchase, township 16, Pond's survey, lot 20. Daniel Lynch testified,

276 green cedar trees by actual count, estimated to equal 300 markets, cut from 30 acres of this lot by William H. Baker in 1894.

William H. Baker testified, his books show that he cut 259 $\frac{3}{4}$ markets of cedar logs in January, 1894; from which there was deduction of 1.3 or 86.58 markets as bad timber, leaving 173 1.5 markets, for which he paid \$51.96 by credit of that sum in merchandise account with Mrs. Thomas Powers.

Thomas Powers testified, sold to William H. Baker, dead cedar wherever found on State lots by authority of Superintendent of Forest Commission for 30 cents per market; knows that green cedar were cut; reported same to Forest Commission; nothing else done.

Josiah Waldron testified, worked for William H. Baker in 1894, cutting cedar fifteen to twenty-five inches in diameter, large well-grown trees; tops of most of them were dead; knew the lot was State land; did not understand what right he had to cut there; no explanation made, only was hired by Baker to go there and work; did not think it necessary to ascertain the facts before going on to cut timber.

Byron Miller testified, in 1894 William H. Baker personally, showed him where to work; about two acres of cedar cut; supposed it was State land; didn't know for certain.

William Eldridge testified, Byron Miller and Josiah Waldron in 1894 cut and skidded there cedar trees, most of them live trees, about 300 in number; many of them three feet in diameter, few of them small trees; and they were drawn off as fast as felled to William H. Baker's mill.

9. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 16, Pond's survey, lots 21, 22. Daniel Lynch testified, 5,166 pieces or 1,500 markets cut from 400 acres by Charles

Callahan and John A. Owens, who claimed to have bought the timber of E. P. M. Lynch.

John A. Owens testified, in 1894 with Charles Callahan bought of E. P. M. Lynch, for 10 cents per market, all standing timber of every kind on lot 21; cut 4,124 pieces of spruce, balsam, hemlock and pine, averaging two logs to a tree from lot 21, and 1,075 logs from lot 22; hired all men from neighborhood where the lumbering there was generally known.

Thomas Powers testified, reported trespass of Charles Callahan in 1894, to Forest Commission; asked for instructions; none received; nothing done; told Callahan to quit work until instructions received; extent of trespass never investigated; no prosecution or settlement made; timber cut, left in the woods.

10. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 25, Thorne's survey, lot 25. Edward Lavery testified, Joseph Champine cut 1,374 pieces or 354 markets, for which \$442.50 was paid by Edward Lavery to John H. Burke, inspector, being at the rate of \$1.25 per market.

Thomas Powers testified, Joseph Champine in 1889, cut about 350 markets, and sold same to Edward Lavery, who settled for trespass at \$1.25 per market, amounting to about \$442, in 1889 or 1890.

11. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 25, lot 71. Daniel Lynch testified, in 1894, 30 acres cut over; 250 pieces of logs piled on river bank; trespasser unknown.

Thomas Powers testified, Charles Callahan and John A. Owens committed trespass; upwards of 200 to 250 pieces found on skidway; reported to Forest Commission; nothing else done.

12. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 25, lot 71 and township 16, lot 13. William L. Kellogg testified, that 55 spruce trees were cut and removed in 1893 by Charles Callahan from these lots adjoining lot 120 of township 26.

13. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 16, Pond's survey, lot 13. Daniel Lynch testified, 20 acres have been cut over, estimated 30 markets taken; trespasser unknown.

Thomas Powers testified, along the side of this lot bordering on lot 120 of township 26, Totten & Crossfield purchase, in 1894 Charles Callahan cut 40 or 50 trees; reported same to Forest Commission; nothing further done.

14. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lots 28, 29. Daniel Lynch testified, trespass apparently large, committed by some person unknown; logs found on the lots.

Thomas Powers testified, a trespass was committed in 1889 by Thomas Flynn and Charles Callahan; extent unknown; settled for by Knapp & Faxon at \$1.25 per market; had no knowledge or information of any other trespass.

15. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lots 36, 13. Daniel Lynch testified, trespass was committed by William Kayes in 1888-89 and settled for at 25 cents per market.

16. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lot 49. Thomas Powers testified, Knapp & Faxon, or their foreman, Wesley Wilson, in 1889 cut from 1,000 to 2,000 pieces of pulp wood, second growth; that same was seized,

and settled for by Knapp & Faxon at \$1.25 per market, which was paid to Inspector Burke.

17. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lot 57. Thomas Powers testified, that Eldred Harpp committed trespass in 1894; cut about 32 markets; reported same to Forest Commission, nothing else done; that he, Powers, bought from Eldred Harpp logs cut on lots 32, 41, 40 and 38 of township 26, Totten & Crossfield purchase; that said Harpp had no interest in these lots or in the timber thereon but that he had cut 1,013 markets in the fall of 1894, and that these lots are surrounded by State lands; that he, Powers, hauled out the timber as cut by Harpp; that he knew of the timber taken from State lands surrounding these lots, namely: 32 markets from lot 57 of township 26.

18. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lot 76. Thomas Powers testified, that trespass was committed in 1888-89 by James Lindsay; extent not remembered; logs cut and skidded and part hauled; reported to Forest Commission; seized logs and sold same at auction to Milo Knapp.

19. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lot 89. Thomas Powers testified, to small trespass by Patrick Dougherty in 1892 or 1893; reported to Forest Commission; said to have been settled for by Knapp & Faxon.

20. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lots 89, 90. Thomas Powers testified, Joseph H. Mitchell in 1894 cut 37 cedar trees; reported to Forest Commission; nothing further done.

Daniel Lynch testified, 10 acres, 50 markets cut on lot 90 by Joseph H. Mitchell in 1893-94.

21. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lot 90. Thomas Powers testified, that Eldred Harpp in 1894 cut 13 spruce and balsam trees; same seized; nothing further done.

22. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lots 102, 103. Daniel Lynch testified, 136 acres cut over; 324 markets of timber taken by Joseph H. Mitchell in 1893-94.

Joseph H. Mitchell testified, in 1893-94, bought of Pat Dougherty all timber State did not own on these lots and bought of Thomas Powers the timber on the State land of these lots; cut 500 markets from these lots.

Thomas Powers testified, Joseph H. Mitchell in 1894 cut 326 markets; reported to Forest Commission; received instructions to collect value of timber from Kenyon & Baldwin, to whom the logs were sold; nothing further done.

23. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lot 114. Thomas Powers testified, to trespass by Daniel E. Lynn in 1888-89; logs seized on skids and sold to Milo D. Knapp.

24. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lot 117. Orson P. Morse testified, that being the holder of a receipt for \$50.00 paid for timber on 56 acres of lot 117, he sold the receipt to Pat Dougherty for \$50.00, who then sold the timber to John Owens and Robert Dougherty, who cut the timber.

Thomas Powers testified, that Pat Dougherty inquired of him whether the State owned the whole of lot 117; had nothing to show whether State owned 56 acres through the center of the

lot; sent to Forest Commission for diagram of what the State owned; received information from Captain Sanger that the State owned the whole lot; that O. P. Morse as holder of receipt for \$50 for timber on this 56 acres sold the receipt to Pat Dougherty, who sold the timber to John A. Owens and Robert Dougherty, who in 1893-94 cut and skidded about 1,000 markets, and sold same to A. Johnston; reported to Forest Commission; upon instructions received, settled with A. Johnston for 30 cents per market, which was paid by Kenyon & Baldwin or the Kenyon Lumber Company to the Forest Commission.

Andrew Johnston testified, that he bought of John A. Owens 1,026 markets at \$1.30 per market from lot 117 of township 26, Totten & Crossfield purchase, in 1893-94; informed by Thomas Powers that timber was from State land after all was cut and skidded and part hauled, and not being willful trespass could be settled for; relied on his statement as to timber being from State land; authorized by Powers to take away all the timber cut and skidded.

John A. Owens testified, that he and Robert Dougherty bought from Pat Dougherty, for \$50, timber on the 56 acres; cut and skidded 1,026 markets; sold same to A. Johnston, who then claimed State owned the logs; paid him 25 cents stumpage, amounting to about \$255.

25. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lot 118. Daniel Lynch testified, 70 acres cut over; 600 markets taken by Callahan and Owens in winters of 1892-93 and 1893-94.

John A. Owen testified, that he and Charles Callahan, in 1894, cut spruce timber from 126 acres of State land; 552 trees cut, making 810 pieces or 162 markets; entered on the lot under pur-

chase of the timber from Pat Dougherty, who said he had bought the same of Henry Bradley.

Thomas Powers testified, that Henry Bradley, claiming to own 60 acres of lot 118, sold timber thereon in 1892 or 1893; found purchaser had cut over the line 8 rods in 1894; reported to Forest Commission; nothing further done.

Andrew Johnston testified, in 1891 or 1892 bought of Thomas E. Murphy about 700 markets, which he bought of Henry Bradley, said to have been cut from his 60 acres of lot 118.

Patrick Dougherty testified, bought of Henry Bradley 60 acres of lot 118 in 1892 for \$125; sold timber thereon to Nelson Berto, who lumbered there in 1892-93; then sold timber there to Owens and Callahan, who lumbered there in 1893-94.

26. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lots 73 and 91. Joseph H. Mitchell testified, that in 1891-93 he cut, skidded and hauled timber, clearing the four lots, 73, 75, 77 and 91 or 95, for Knapp.

27. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 27, Richard's survey, lots 6, 7. Thomas Powers testified, found some trespass on one or both of these lots in 1890, amounting to 300 pieces, cut and skidded by Howard Bissell; seized the logs; same sold by Forest Superintendent to P. Moynehan; no recollection of later trespass.

28. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 27, Richard's survey, lot 6. Daniel Lynch testified, 400 markets, 140 acres cut by George Miner in about 1892-94, under employ of P. Moynehan, which, with trespass on lot 41, was said to have been settled for \$28.25.

George Miner testified, that in 1893 he lumbered 300 markets for big Charlie Bissell.

P. Moynehan testified, that George Miner cut over 140 acres, 400 markets; settled for the trespass.

29. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 27, Richard's survey, lot 7. Daniel Lynch testified, that 2,100 markets, 200 acres, were cut by George Miner in about 1892-93 and 1893-94, under employ of P. Moynehan.

George Miner testified, in 1892 cut, skidded and hauled for P. Moynehan 1,300 markets; work suspended by Moynehan when complaint was made, which was settled in some way and work continued.

Patrick Moynehan testified, that George Miner cut from about 200 acres, 2,100 markets; timber seized; paid \$100 and released claim to lot to the State, in settlement of the trespass.

30. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 27, lots 26, 27 of Thorne's survey. A. O. Farr testified, that he cut about 2,500 markets on these lots.

31. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 27, Thorne's survey, lot 35. George Miner testified, that in 1893 he cut 1,640 markets for P. Moynehan.

32. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 27, Thorne's survey, lot 36. George Miner testified, that in 1892 he cut for John Griffin 300 to 400 markets.

Daniel Lynch testified, 1,600 markets from about 160 acres cut by John Griffin and Joseph Houghton, Jr., from lot 36 (or lot 26) in 1892 or 1893.

Thomas Powers testified, that he has no knowledge of any trespass on this lot.

33. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 27, lot 48 or 49. Thomas Powers testified,

to small trespass by George Miner in 1894; reported to Forest Commission, and said to have been settled for.

34. Essex county.—Town of Minerva, Totten & Crossfield purchase, township 26, lots 2, 3, and town of Newcomb, Totten & Crossfield purchase, township 27, Thorne's Survey, lots 32, 41, 42, 52, 53, 62, 63, 64. Daniel Lynch testified, that about 1,000 acres were cut over on these lots; estimated 12,000 trees, making 5,000 markets, to have been cut by Hugh Lindsay, in 1891-94, for P. Moynahan.

Hugh Lindsay testified: "Don't know anything about any lots; there was no lines." * * * "Q. Didn't you cut over lots 32, 41, 42, 52, 53, 62, 63 and 64 of township 27, Totten & Crossfield purchase? A. I don't know anything about it. Q. Didn't you also cut over lots 2 and 3 of 26th township, Totten & Crossfield purchase? A. I don't know anything about it."

Thomas Powers testified that he reported to Forest Commission small trespass on lots 63 and 64 of township 27; knows nothing of other trespass; not many acres, only a narrow strip of land cut over along the side of an old lumber road by Hugh Lindsay in 1894; discovered trespass by personal visitation of the lots in August or September, 1894; found the lots then well timbered with hard wood, some spruce, hemlock, balsam; trespass said to have been settled for by P. Moynahan for Hugh Lindsay with the Forest Commission.

35. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 27, Thorne's survey, lots 56, 54 and 41. A. O. Farr testified: Found timber cut over the whole of these lots; lot 41 cut in 1892; lots 54 and 56 in 1893; all cut by Hugh Lindsay; so informed by him; know of his being engaged during each of sev-

eral years since 1890 in cutting timber in the southwest quarter of township 27 of Totten & Crossfield purchase.

36. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 27, Richard's survey, lot 25. Daniel Lynch testified that Lemon Thompson, in 1887-88, cut about 1,300 logs; reported to Forest Commission; nothing further done.

37. Essex county.—Town of Newcomb, Totten & Crossfield purchase, township 50, lots 97, 98, 99. Daniel Lynch testified, estimated 313 acres cut over; about 4,000 markets taken in about 1892 by William H. Baker.

Robert Montgomery testified, in 1892-93 cut between 5,000 and 6,000 markets from these lots; was employed by William H. Baker, who was employed by P. Moynahan, who directed that timber be cut clean and located the lots; cut over at least 500 acres; cleaned off everything marketable for logs; spruce, pine and balsam; "Mr. Baker told me sometime ago that territory lumbered for him over there was state land."

William H. Baker testified, Robert Montgomery may know of lumbering these lots, but I don't know anything about where he was when lumbering.

Thomas Powers testified, has no knowledge or information of any trespass on these lots.

38. Essex county.—Town of Schroon, tract west of Road patent, Hoffman township, about lot 73. Thomas Powers testified that in 1889 Pascall Warren cut a few trees and hauled them to the river; nothing done in reference to this trespass.

39. Franklin county.—Town of Harrietstown, Macombs purchase, great tract No. 1, township 27, lot 1 on the north side of Ampersand pond, and Thousand Acre lot, on south side of Amper-

sand pond. George A. Stevens testified to reports of preparations made for lumbering on these lots by cutting of roads, etc.

40. Hamilton county.—Town of Arietta, Totten & Crossfield purchase, township 3, lots 1 and 3, and town of Lake Pleasant, Totten & Crossfield purchase, township 3, lots 4, 6, 7, 8, 9, 10, 11. N. Davis testified that within last five years there has been cut large amount of timber over this tier of lots half a mile wide.

41. Hamilton county.—Town of Lake Pleasant, Totten & Crossfield purchase, township 8, lot 5. Thomas Powers testified, in the corner of the township adjoining the northwest corner of township 32, 1893, James Eldridge cut and skidded 1,100 pieces, estimated 300 markets; seized the logs; reported to Forest Commission; upon instructions received settled the trespass for fifty cents per market, amounting to \$150.

42. Hamilton county.—Town of Indian Lake, Totten & Crossfield purchase, township 17, Gospel School and Literature lots. Daniel Lynch testified, about 200 acres; 1,500 markets; cut by Joel Brooks for T. D. DePan in about winter of 1893-94; and lot burned over in summer of 1894.

Joel Brooks testified, in 1892-93, had job from T. D. DePan "to get what I could off from the land," "to cut, skid and haul to the river;" lot located by DePan, who showed where the lines were; cut the timber from about half a mile square or 160 acres, in all between 1,500 and 2,000 markets; William Payne had job on the lot at the same time from DePan; extent of his cutting unknown.

Patrick Moynehan testified, bought the timber on this lot from A. C. Hall in 1890-91 at 25 cents per standard; employed T. D. DePan in 1892-93, who sublet his contract to Joel Brooks to cut the timber, cut about 1,500 standards on about 100 acres; no claim made by State authorities therefor.

Thomas Powers testified, have no knowledge or information of any trespass on this lot.

43. Hamilton county.—Town of Long Lake, Totten & Cross-field purchase, township 21, lot 46. Cecil Kellogg testified that in 1893-94 he, with Isaac Claymore, cut about 250 pieces, which were drawn to Robinson's mill. "Q. Who gave you the right to go there and cut? A. Nobody. Q. Did you know it was State land? A. Yes, I supposed it was." Logs were never seized.

Thomas Powers testified, reported trespass to Forest Commission; nothing else done.

William C. Robinson testified, in 1893-94, John Rickardson cut 30 or 40 markets, and Warren Cole cut 75 pieces; and in 1894-95 William C. Robinson cut three pine trees for building purposes.

Thomas Powers testified, in 1894 seized 200 pieces cut by John Rickardson and 75 pieces cut by Warren Cole, and 50 pieces cut by John Robinson and sold same to M. C. Collins at 50 cents per market without public notice.

44. Hamilton county.—Town of Long Lake, Totten & Cross-field purchase, township 21, lot 66. Thomas Powers testified, in 1891-92 Charles Sebattos for E. Butler cut between 600 and 700 pieces; seized same and reported trespass to Forest Commission; advertised sale by posting notices; sold the logs to E. Butler at $62\frac{1}{2}$ cents per market.

David Helms testified, that he held referee's deed of this lot; did not know whether it was good for anything or not; stopped Charles Sebattos cutting timber for Ed Butler in 1891-92; they drew the logs cut and skidded and left the rest lying in the woods; Thomas Powers sold the logs, amounting to about 1,000 pieces, to Ed Butler at about 60 cents per market. Afterwards

in 1893-94 Powers sold to David Helms the timber left cut on the lot, amounting to about 100 markets for \$25.

45. Hamilton county.—Town of Long Lake, Totten & Cross-field purchase, township 21, lot 92. Thomas Powers testified, in 1894 Louis Jennings cut 75 markets of hemlocks; seized and sold same to Walter D. Jennings for \$50, which was never paid.

46. Hamilton county.—Town of Long Lake, Totten & Cross-field purchase, township 21, lot 96. Robert Shaw testified, most everybody in the country cut timber here; it was so near the road if they wanted timber they went there and got it; quite a large part of the lot now cleared.

47. Hamilton county.—Town of Long Lake, Totten & Cross-field purchase, township 21, lot 101. David Helms testified, in winter of 1893-94 cut 260 markets of spruce from 25 acres of this lot; hauled same to the mill; the logs were there seized by Thomas Powers, who sold the same to M. C. Collins, who afterward sold the same to David Helms at 50 cents per market.

Thomas Powers testified, in 1894 David Helms cut and hauled 675 pieces of spruce logs, leaving 30 pieces on skidway; reported same to Forest Commission as a willful trespass; upon instructions received sold the logs to M. C. Collins at 50 cents per market without public notice of sale.

48. Hamilton county.—Town of Long Lake, Totten & Cross-field purchase, township 21, lot 106. Robert Shaw testified, that Calvin Town and Harry Sebattos cut timber and brought same to the mill; quantity unknown and Robert Shaw paid the Forest Commission \$15 for the same.

49. Hamilton county.—Town of Long Lake, Totten & Cross-field purchase, township 21, lot 108. Robert Shaw testified, that

in 1890 he cut, skidded and hauled timber from this lot; does not remember how much; paid for the trespass to the Forest Commission what was demanded therefor, about \$60.

Thomas Powers testified, in 1890 Robert Shaw committed trespass; extent unknown; reported same to Forest Commission as about 75 markets; said to have been settled for with the Forest Commission.

50. Hamilton county.—Town of Long Lake, Totten & Crossfield purchase, township 21, lot 112. Daniel Lynch testified, that trespass was here committed between 1890 and 1894 by Warren Cole for Ed Butler, and by Archie T. French and William S. Cross; about 150 acres cut over, and about 1,000 markets of timber taken.

Archie T. French testified, that he cut around South Pond on lots 112 and 123, 96 markets for shingles; paid nothing for same, because cut from State and individual land. Walter B. Jennings cut green pine timber there in 1889-90.

David Helms testified, in 1891-92 logs were cut there for Ed Butler by Riley Plumley, John Rickardson and others. A. T. French and W. S. Cross also cut timber there; and W. W. Cole cut about 200 pieces there.

Thomas Powers testified, that Ed Butler committed trespass in 1890 or 1891 through his jobber, W. S. Cross; logs were seized and sold at auction to Ed Butler at $62\frac{1}{2}$ cents per market; has no knowledge or information of trespass there by W. W. Cole or A. T. French. The whole timber cutting extends over 150 acres; most of the lot.

51. Hamilton county.—Town of Long Lake, Totten & Crossfield purchase, township 21, lots 112, 124. William S. Cross testified, had timber job from Ed Butler; contracted to put in 1,000 markets of logs on South Pond from lots 100, 111 and 112 in 1891

or 1892; cut down to the 19th township line through lot 124 of township 21.

William R. Plumley testified, lumbered for William S. Cross from the southerly line of township 21 up to the southerly line of lot 100 of township 21, through lots 124 and 112, not far from 2,000 markets in 1891.

52. Hamilton county.—Town of Long Lake, Totten & Crossfield purchase, township 21, lot 124. David Helms testified, William Helms in 1890-91 cut some down timber and some dead timber; do not think he cut any green timber, but do not know; 50 markets altogether taken; settlement unknown, if any.

Thomas Powers testified, William Helms committed trespass here in 1890-91 and in 1893; reported to Forest Commission as small trespass; seized the logs; posted notices of sale; no bid received; afterwards sold the logs to William Helms at 25 cents per market in 1894, amounting to about \$32.

53. Hamilton county.—Town of Long Lake, Totten & Crossfield purchase, township 32, Gospel, School and Literature lot. he cut 2,200 markets on lots opposite Round island on Long Lake; does not know whether the same was State land or not.

54. Hamilton county.—Town of Indian Lake, Totten & Crossfield purchase, township 32, Gospel School and Literature lot. Patrick Moynihan testified, that he bought the timber on this lot of A. C. Hall in 1890-91 at 25 cents per standard and employed T. D. DePan, who sublet his contract to Hosea G. Locke, to cut and haul the timber; about 3,000 standard markets taken; about 150 acres cut over; no claim made by the State for trespass.

Isaac Kenwell testified, that Hosea G. Locke about two years ago cut all the marketable spruce timber, about 3,000 markets, from this lot.

Thomas Powers testified, do not know of this lot being State land; Hosea G. Locke said he had lumbered there; do not know when or to what extent; have done nothing about it.

55. Hamilton county.—Town of Indian Lake, Totten & Crossfield purchase, township 32, southeast quarter. Thomas Powers testified, “some few trees cut,” in 1893; nothing done in reference thereto.

56. Hamilton county.—Town of Indian Lake, Totten & Crossfield purchase, township 32, 1,100 acre lot in northwest quarter. Daniel Lynch testified, about 100 acres cut over within two years; trespasser unknown.

Thomas Powers testified, has no knowledge of any trespass here committed.

57. Warren county.—Town of Thurman, Totten & Crossfield purchase, gore between Dartmouth patent and township 11, lots 1 and 2. Daniel Lynch testified, 170 acres cut over, estimated 1,300 markets taken; trespass said to have been settled for \$140.

Alonzo Davis testified, visited these lots in 1894; found lot 1 of the gore south of township 11 lumbered over; estimated 1,000 markets cut therefrom; portion of lot 2 of the gore south of the township 11 also lumbered over; estimated 300 markets cut therefrom; said to have been done by Philander Baldwin.

Nathan Davis testified, everything cut close clear down for pulp; estimated 100 acres cut over on lot 1 in about 1892-93 by Philander Baldwin.

Thomas Powers testified, has no information of trespass on these lots.

58. Warren county.—Town of Thurman, Totten & Crossfield purchase, gore between Dartmouth patent and township 11, lots

5 and 17. Nathan Davis, testified, William Parker and Andrew Thurston cut over the line on these lots of the gore south of township 11, three or four years ago. "The trespass was on that part of lot 5 that lies in the town of Thurman," all along the line, and on lot 17.

59. Warren county.—Town of Johnsburgh, Totten & Crossfield purchase, gore between townships 29 and 31, lot 10. George E. Cooper testified, that in 1893 he had job from J. J. Wakely, who located where timber was to be cut; said they were lots 10 and 11; made clean sweep for lumber or pulp over 150 acres; cut between 1,300 and 1,400 markets; would not have cut on State land if had known it was such; made no inquiry on the subject.

Nathan Davis testified, found all timber cut from lot 11 and from corner of lot 10 of the gore south of township 31.

Alonzo Davis testified, found all timber cut as far as lot examined.

Thomas Powers testified, has no knowledge or information of any trespass or of timber cut or taken from the lot.

Daniel Lynch testified, 80 acres cut over; 800 markets taken from lot 10 of the gore south of township 31, by George Cooper for J. J. Wakely in 1893-94.

60. Warren county, town of Johnsburgh, Totten & Crossfield purchase, township 11, lots 15, 16, 17, 18, 32, 34. Daniel Lynch testified, estimated 7,000 markets taken, 1,400 acres cut over, in 1892 to 1894, by P. Moynehan and T. D. DePan or their jobbers.

J. J. Wakely testified, in 1892 under contract with P. Moynehan and T. D. De Pan cut, piled and drew to the Sacandaga river, 5,000 markets; ground located for work by DePan; supposed to be lot 32 or 33 of township 11; and again cut the timber for P. Moyne-

han in 1893-94 on other ground on neighboring lots located by him for the work.

Nathan Davis testified, visited these lots in 1894; found all the timber cut on lots 15, 16 and 34 of township 11 in 1892-93; a clean sweep of everything valuable.

Melanethon Duncley testified, worked for J. J. Wakely cutting, skidding and hauling the timber on both sides of the Sacandaga river northerly, easterly and westerly from the Sawyer clearing (lot 33 of township 31), extending $1\frac{1}{2}$ miles easterly from the Sacandaga river up Diamond Mountain brook.

Alonzo Davis testified, examined these lots and found all the marketable timber cut as far as examined.

George E. Cooper testified, in 1892-93, with Douglass Morehouse, took job from J. J. Wakely to cut all the timber from these lots as far as we went; cut, piled and drew over 1,000 markets of 5 pieces to the market.

Andrew W. Smith testified, informed Inspector Armstrong of trespass committed by some one on these lots.

S. C. Armstrong testified, reported to Forest Commission trespass on or in the vicinity of lot 34, township 11; said to have been 6,000 markets; said to have been settled for \$50 with the Forest Commission.

Thomas Powers testified, has no knowledge of extensive trespass on these lots; reported small trespass on some of these lots; extent unknown; nothing further done.

Patrick Moynehan testified, was informed at office of Forest Commission that J. J. Wakely had trespassed on some of these lots and how much they wanted for it; penalty for the trespass was fixed by the secretary of the Forest Commission; paid the

same by check to the State Treasurer; if the jobber cut over the line, he did so on his own responsibility.

61. Warren county.—Town of Chester, Totten & Crossfield purchase, township 24, lot 18. S. C. Armstrong testified, heard of some timber cut on this lot in 1893 to 1894; extent and trespasser unknown.

62. Warren county.—Town of Johnsburgh, Totten & Crossfield purchase, township 24, lot 25. S. C. Armstrong testified, at different times various persons have cut timber on this lot; Herbert Stanley and Watson Stanley drew timber in 1894 cut from the lot by Moses Mars; extent of cutting unknown; nothing done in reference thereto.

63. Warren county.—Town of Johnsburgh, Totten & Crossfield purchase, township 29, Russel tract, 500 acre lot. Daniel Lynch testified, about 2,500 markets estimated to have been cut and taken from this lot in about 1893-94; trespasser unknown.

Alonzo Davis testified, timber cut by one Harrington; logs marked with Morgan Lumber Company's mark; at least 2,500 markets cut, of which not less than 500 markets were found piled on the lot.

Thomas Powers testified, has no recollection of any trespass or of timber cut or taken from this lot.

64. Warren county.—Town of Johnsburgh, Totten & Crossfield purchase, township 29, Russell tract, 352 acre lot. Daniel Lynch testified, about 2,500 markets estimated to have been cut in about 1893; trespasser unknown.

Nathan Davis testified, everything cut for pulp; estimated 2,500 markets cut.

Thomas Powers testified, has no recollection of trespass or of timber cut or taken from this lot.

65. Warren county.—Town of Thurman, Totten & Crossfield purchase, township 29, lot 17. S. C. Armstrong testified, reported to Forest Commission trespass discovered on this lot, and was informed that the lot was about to be redeemed by the Morgan Lumber Company.

66. Warren County.—Town of Johnsburgh, Totten & Crossfield purchase, township 31, around Siamese ponds. S. C. Armstrong testified, Fred Cameron and Fred Wood in 1893-94 committed small trespass; peeled trees to build camp and used dry wood for fuel.

67. Warren county.—Town of Thurman, Hyde township, lot 39. C. S. Armstrong testified, one —— Daggett cut hay on this State lot; no prosecution or settlement therefor.

Thomas Powers testified, that —— Daggett, in 1890, trespassed on this lot; reported to Forest Commission; nothing else done.

68. Warren county.—Towns of Stony Creek and Thurman, Palmer's purchase, lot 14, called the H. T. P. lot. S. C. Armstrong testified, George Culver cut 600 markets in 1894; claimed to have bought same of J. C. Eldridge, agent for Lemon Thompson, for \$100, who said he did not know whether the taxes had been paid on the lot or not; trespass said to have been settled for; terms unknown.

69. Warren county.—Town of Thurman, Gore in northwest corner, State land. S. C. Armstrong testified, one Bolton cut timber here for Morgan Lumber company.

70. Warren county.—Gore between township 12 and Hyde township, lot 29. S. C. Armstrong testified, Patrick Sweeney in

1893 cut a few cords of pulp and some fire wood; reported same to Forest Commission; nothing else done.

71. Saratoga county.— John Glen and forty-four others patent. Subdivision 19 of lots 85, 86, 87, 88. S. C. Armstrong testified, found man cutting timber on subdivision 10 of these four lots; who admitted cutting, in 1893, 25 markets of spruce, sold to Marion Fraser; reported to Forest Commission; no prosecution or settlement therefor.

72. Saratoga county.— John Glen and forty-four others patent, Subdivision 9 of lots 85, 86, 87, 88, and lot 60. S. C. Armstrong testified, Hezekiah Whittiker was found trespassing on subdivision 9 of these four lots, and on lot 60, cut about 250 trees, 750 pieces, 250 markets of spruce timber in 1893, for which there was no recovery or settlement.

73. Saratoga county.— John Glen and forty-four others patent. Lot 59. S. C. Armstrong testified, John Finer cut 18 trees or 18 markets, which was reported to the Forest Commission; no prosecution or settlement therefor.

74. ————— county, Ellis Patent and Hague, lot 257. S. C. Armstrong testified, Scott Barton in 1894, cut 200 markets; reported same to Forest Commission; nothing else done.

The foregoing resume of testimony specifically referring to lots of State land, as above stated, very briefly indicates the time and extent of trespasses and by whom committed and what, if anything, was done in reference thereto in the way of prosecution or settlement therefor, as shown before the committee by the testimony of the witnesses examined.

Few persons of those examined have appeared to know of the exact location or bounds of the State lands in any township.

There are few designating marks or signs whereby they are readily ascertainable. There are no distinguishing monuments or marks on their boundary lines, excepting here and there blazes upon trees made many years ago. On many, perhaps most of these lines the old blazed trees are down or altogether destroyed throughout large portions of the forests. Many lots have been burned over, and the old blazed marks on the lines have been thereby obliterated. The only descriptive data as to location and bounds of lots belonging to the State, accessible to the people, are such as have been furnished in the lists of State lands as published from time to time by the State Forest Commission, and in local assessment rolls, and by the map of forest lands published in 1893. From the greater part of the State forest lands, the merchantable timber of first growth has been long since removed. The State's title to the land is principally from tax sales and exchange of property. In the earlier days when the soft woods were used only for lumber, only the larger growth thereof was cut; and as the Adirondack lands were of no value to the mill-men after this timber was removed, the owners would cease to pay taxes thereon, and allow the property to be bought in by the State, and the State was allowed to remain in peaceful possession until there was a new growth of merchantable timber. Since the soft woods have been used in the manufacture of wood pulp for paper, the smaller timber is cut therefor, and the land previously considered valueless by the mill-men, has again become valuable. Logs can be cut, hauled out and floated down the rivers to the mills with considerable ease. The owners of saw or pulp mills find in these forests the cheapest and best locality to obtain their timber supply, and so long as there is a demand there will be found men ready to furnish the logs, and if not from their own

private lands, then from the public lands, unless effective laws are enacted for their protection. It appears that in most cases the cutting, skidding and hauling of timber from any lot have been matters of such general knowledge in the township and neighborhood thereof, through the men employed in the work or in furnishing supplies of goods and provisions for the lumber camp, that concealment thereof would be out of the question, and some information thereof would be likely to have reached officials on the lookout to protect the State lands from depredations of timber. Trespasses are not made where discovery would be difficult; knowledge thereof is general in the neighborhood; what one knows everyone knows.

Owing to the location of State lands in scattered parcels surrounded by or interspersed with private holdings on which timber cutting is done by the owners, cutting over the line onto the State land has been of common occurrence. It is often difficult to say who is most to blame, the mill owners who purchase the logs after they are cut, or the agents or contractors who let contracts to the jobbers to cut timber; or the jobber himself who actually cuts down the timber. A contract to cut timber usually passes through many hands before it comes to the man who actually does the work. An effort to shift the responsibility for cutting over the lines is shown in the testimony. The committee persistently tried to ascertain how the places where timber was to be cut from private lands was located for the timber cutters; but as it was evident that in many cases timber had been cut over the boundary lines of private property and upon the State lands, and no one wanted to be held responsible, each witness tried to shift the responsibility, and it was repeated over and over again that if the boundaries of the State lands were better defined, there would

be no trespasses, but that the trespasses were committed from the inability to find the boundary lines, and not from any intention to take State timber. In some instances this may be so. It appears from the evidence that very little, if any, precaution is taken by those who let the job to see that the jobbers do not cut upon the State lands. They are not shown any boundaries; surveys are seldom made; and they are left to cut where they will; and in case of trespass the responsibility is thrown entirely upon them, who are men usually of no pecuniary responsibility and seemingly willing to take some chances; and depredations of timber on State lands have been frequently openly and intentionally committed by them. Though the cutting of timber from State lands for the market has been recognized as done in violation of law, it seems not to have been considered a crime or offense of any kind for trespassers to cut timber upon State lands for firewood or for building purposes, chiefly of hardwood. Such trespasses appear to have been very frequent, and in the aggregate must have amounted to a very considerable item.

The general location of State lands is believed to have been known and understood by lumber contractors; and this knowledge seems to have been availed of in some cases where they have, under cover of some pretended right or color of title to the timber, assumed ownership thereof and caused the same to be cut and hauled from the land; and in such cases, as a rule, there has been no one to molest or make them afraid; they have been willing to venture a little to get timber without much trouble or expense; having done so once, they do so again; they have known that the practice has favored easy settlements, if caught in the trespass; and their depredations have been without fear of prosecution for the statutory penalty; in some cases, however, their depredations

have been committed unwittingly by not knowing the location of division lines. In general the jobbers have cut the timber wherever employed by contractors or lumbermen to do so, without investigation or concern as to whether the land has belonged to the State or not; and the common workmen have been, if possible, even more indifferent as to the ownership of the land, so long as they have made a living from their work; many of them have not known and many more have not cared where they have been employed.

For knowledge or information as to where there has been lumbering, and as to whether upon or adjoining State lands, the forester is said to have relied upon common rumor and upon direct reports made through ill-feeling or spite against the trespasser; and to a very limited extent upon his personal examination of the lands, because of the expense thereof, either getting the jobber to show where he has been lumbering, and to put him on the line of the lot, or locating the lot with the aid of a surveyor.

While it is impossible to lumber to any extent upon State lands without its being known, yet seldom has the trespasser been caught in the very act of cutting or skidding or hauling of timber on State lands, by the vigilance of the forester in the discharge of his duties. The forester has rarely visited the State lands during the season for lumbering for discovery of trespass. In most cases no investigation has been made by the forester as to the fact of trespass, or as to the extent thereof, until springtime, after the cutting and hauling of timber has been finished; and in few cases has proper and full investigation been made by the forester or any State official to ascertain the extent of any trespass, or by whom the same was committed, or the disposition made of the timber;

and only occasionally has the timber that has been cut from State lands been seized before or after it has been hauled therefrom.

Upon information received by the forester or inspector of a trespass made on State lands, report thereof is said to have been made by him at the time thereof to the State Forest Commission, with his recommendation as to what should be charged for the logs in case of settlement, and instructions requested as to what was to be done in the matter. And except as then authorized, nothing further appears to have been done. No prosecution has been made for the trespass in any case; the depredators being in all cases dealt with as innocent trespassers; at least it does not appear that any prosecution for the statutory penalty has ever been made in any of the many cases of trespass shown in this investigation or heard of by any witness; though it seems to be known that thousands of trees have been cut in various parts of the forest, for which the penalty should have been enforced. If the logs have been found, upon instructions given to the forester, they have been seized and either sold for whatever has been offered, or allowed to lay where found. In the few cases where the logs have been seized, it is said to have been difficult to sell the same to anyone in the neighborhood of where they were cut, or to lumbermen, who would not bid against the trespasser himself. In some cases the logs have been traced, and then claim has been made for the trespass against the one to whom delivery of the timber has been made in the water, and settlement therefor has been commonly made in accordance with the recommendation of the forester, at a moderate stumpage value of the timber, but for a quantity agreed upon, often without regard to the facts of the case, and apparently without much, if any, investigation in reference thereto; and seldom, if in

any case, has settlement for the timber cut on State land been made above the market rates for like timber standing. The trespasser's profits have thus been dependent, (1) upon securing the timber without hindrance from the forester; and (2) in case the trespass has been reported, upon the quantity of timber charged as taken; and (3) upon settlement therefor at market rates or less for stumpage.

It might be inferred from the extent of the trespasses disclosed in this investigation, and particularly of those charged against certain individuals, that they would not have been committed without some combination of influences or interests to prevent prosecution or to secure nominal settlement therefor. Except, however, in a few cases of relatively minor importance, our investigation does not disclose direct evidence, notwithstanding rigid examination of witnesses to discover the facts, (1) of timber having been cut or taken from State lands with the knowledge or acquiescence of any forester or other State official; nor (2) of express permission or authority on the part of any forester or other State official for the cutting or taking of timber from State lands; nor (3) of any transactions of sale of timber on State lands, by or through any forester or other State official. And except in one or two cases of comparative small importance, there is no direct evidence before us, (1) of any forester or other State official having been in any way personally interested in any timber cut or taken from State lands, at any time by any person, or in any contracts in relation thereto; or (2) of any moneys having been paid by any person to any forester or other State official, in reference to trespass committed on State lands, except in settlement thereof to the forester or other official, for the State Treasury.

It has frequently occurred that land has been burned over immediately, or the summer after the cutting of timber thereon; but there is no evidence before us of any intentional burning of any lot or tract with the view of obliterating the traces of trespass on State lands. There is vastly increased danger of destruction of the forests by fire, where the timber has been cut, particularly if cut for pulp, where the debris of lumbering, the branches and tops of trees left upon the ground are exposed to the sun and become as dry as tinder, through which fires rapidly spread over the forests, destroying the tract as a water conservator.

The work of protecting the forests against timber thefts, under conditions heretofore existing, may have been attended with embarrassment by reason of the small number of foresters or protectors allowed by law, and the large area to be covered by their duties, and their location and assignment for duty without particular reference to a territory reasonably limited in extent where their services were most needed; and by the limitation imposed upon their expenses for investigations as to trespasses, as has been testified to before the committee. Some of these matters are referred to in the report of the Forest Commission for 1893 (Vol. I, p. 68), which says: "The State lands within the main forest or park are badly located. They are distributed over the map like the squares of a checker-board, and are thickly interspersed by private holdings. Scattered as they are, it is difficult for the small number of foresters at our command to patrol them thoroughly. If the lands are consolidated the territory could be patrolled much easier and at less expense; and guarded better from fire and thieves. As now located the lands are scattered through a territory of over 5,000 square miles, with only twelve foresters to patrol them. What wonder is it if, under

such circumstances the timber thieves embraced the opportunity thus afforded them."

It is of the greatest importance in an economic sense, and for the better administration of the law for the protection of the forests against timber thieves, (1) that the State buy up the scattered parcels of individual ownership within the State lands; and (2) where lands are owned by the State, jointly with individuals in undivided shares, that such private interest be acquired by the State; and (3) where lands have been acquired and are now held by the State subject to contracts for the cutting of timber thereon owned by individuals, that the title to the timber contracts be acquired by the State; and (4) that there be more protectors than are now provided, where the State lands are located and where there is liability to depredations; and (5) that the protectors be residents of the locality or township within the forest preserve to the special care of which they should be appointed or assigned; and (6) that the protectors devote their entire time to their duties as guardians of the forests; and travel over their district at least once a month through the year; it not being possible for the forester or protector to obtain proper knowledge of depredations without personal inspection of the forests; and (7) that it be the protectors' duty to follow up every clue of trespass on State lands and prosecute investigation thereof to verify the truth of any report of the same, or to determine the character and extent thereof, and to prosecute recovery and punishment to the full penalty of the law against the trespasser; and that they be charged with the duty of enforcing all laws relating to the protection of the forest preserve.

The Constitution of the State now provides: "The lands of the State, now owned or hereafter acquired, constituting the forest

preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed." (Art. VII, sec. 7.)

The fisheries, game and forest law (chap. 488 of Laws of 1892, as amended by chap. 395 of Laws of 1895), declares that the Board of Commissioners of fisheries, game and forest, appointed thereunder, shall have the care, custody, control and superintendence of the forest-preserve, and maintain and protect the forests therein, and prescribe rules and regulations therefor; and that said board and the protectors and foresters appointed thereby, shall be charged with the duty of enforcement of all laws for the protection of the forest-preserve; and that sheriffs, constables and deputy sheriffs, commonly known as peace officers, shall have the same powers as are conferred upon the protectors and foresters; and said law also provides for actions for trespasses upon the forest-preserve, in terms as follows:

"§ 280. Actions for trespasses upon forest preserve.—The board of fisheries, game and forest may bring in the name of the people of the state any action to prevent trespass upon or injury to the forest preserve and recover damages therefor or to recover lands properly forming part of the forest preserve but occupied or held by persons not entitled thereto, or for the maintenance and protection of the forest preserve, which any owner of lands would be entitled to bring; or for cutting or carrying away, or causing to be cut or assisting to cut, any tree or timber within the forest preserve or any bark thereupon, or removing any tree, timber or bark, or any portion thereof from such forest preserve. Every person violating the provisions of this section, relating to the cutting or carrying away any timber, trees or bark, shall forfeit

to the state the sum of twenty-five dollars for every tree cut or carried away by him or under his direction. The board of fisheries, game and forest may, with the consent of the attorney-general and comptroller, employ attorneys and counsel to prosecute any such action or to defend any action brought against the board or any of its members or subordinates arising out of their or his official conduct with relation to the forest preserve. Any attorney or counsel so employed shall act under the direction of and in the name of the attorney-general. Where such attorney or counsel is not so employed, the attorney-general shall prosecute and defend such actions. A preliminary or final injunction shall, on application in an action brought by or at the instance of the board of fisheries, game and forest, be granted restraining any act of trespass, waste or destruction upon the forest preserve. All such actions for the prosecution shall be brought in the county where the trespass is alleged to have been committed."

The protectors receive one-half of all the fines and penalties collected in actions brought upon information furnished by them after all the expenses of recovering said fines and penalties are paid. Provision for the arrest of offenders is made as follows:

"§ 282. Arrest of offenders without warrant.—The fish and game protectors and foresters, and other persons acting upon the forest preserve under the written employment of the board of fisheries, game and forest, may, without warrant, arrest any person found upon the forest preserve violating any of the provisions of this article and forthwith take the person so arrested before a magistrate having jurisdiction to issue warrants in such cases, and there make or procure to be made a complaint in writing, on which complaint the magistrate shall act as the case may require."

The claim has been made that the forests are so vast and the number of persons interested in one way or another in the cutting of timber so great and the officers to protect the forests are so few, that it is impossible to prevent the trespasses on State lands; but if they can not be altogether prevented, they can at least be materially lessened. The individual who causes the cutting, and not the State, should suffer for any trespass on any State lands. Some of the committee are of the opinion that there is no reason why the State should be put to the expense of defining more clearly its boundary lines. Property owners who are cutting timber should be presumed and held to know their own boundary lines. If the boundaries are not clear, the owner of the property should be compelled to survey it out before letting a contract for timber cutting, so that there should be no excuse for the timber-cutters to trespass upon adjoining lands. Others of the committee hold to the opinion that it is the duty of the State to define and locate and mark the boundary lines of its forest lands, and that then there can be no excuse for depredations thereon.

Private owners are well protected by statute against depredations on their lands, and are rarely troubled by timber thieves, because it is known that the full penalty of the law and the full value of the timber cut or taken would be exacted by them. A like enforcement of the rights of the State and of proper penalties for every violation thereof is needed to stop trespasses upon State lands. The extreme penalty of twenty-five dollars per tree cut, now imposed by law, is seldom, if ever, exacted. The penalties should be such as may be necessary effectually to prevent the felling, cutting down or other destruction of the timber on the lands of the State in the Forest Preserve; and to prevent the

transportation or removal of any such timber as may be felled or cut down thereon, and should extend to all persons engaged or aiding therein; and these offenses should be declared a misdemeanor, punishable by imprisonment in addition to the money penalty, thus, to insure, if possible, the preservation of the timber of the State. The Adirondack forest furnishes the source of the Hudson and other rivers, and the principal portion of the water supply of the State. Upon its preservation depends its innumerable ponds and lakes and labyrinth of streams, which are necessary to the water supply of the canal system and the prosperity of the agricultural, manufacturing and commercial interests of the State.

The Penal Code, section 640, provides for malicious injury and destruction of timber on State land generally as follows: "A person who, willfully, (1) cuts down, destroys or injures any wood or timber standing or growing, or which has been cut down and is lying on lands of another, or of the people of the State; or (2), cuts down, girdles or otherwise injures a fruit, shade or ornamental tree standing on the lands of another, or of the people of the State, * * * is punishable by imprisonment not exceeding six months, or by a fine not exceeding two hundred and fifty dollars, or both."

This may be adequate provision for the offenses for which it was intended; but it does not serve to reach depredations of timber within the Forest Preserve, or to adequately aid in the enforcement or in preventing the violation of the constitutional prohibition of the sale, removal or destruction of timber in the Forest Preserve, for which there should be special provision of law, and we therefore recommend the enactment of an amendment of the Penal Code as follows:

AN ACT to amend the Penal Code of the State of New York, in relation to depredations on the Forest Preserve.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section`1. The Penal Code of the State of New York is hereby amended by adding thereto the following section to be known as section 639a:

§ 639a. Depredations on the Forest Preserve.—Any person who cuts, fells or destroys or who causes or procures to be cut, felled or destroyed, or who aids, assists or abets, or is employed in cutting, felling or other destruction of any timber standing, growing or being on any land of the State constituting the Forest Preserve, without authority of law; or who removes, or causes or procures to be removed, or who aids, assists or abets, or is employed in removing or transporting, or who knowingly receives any timber cut or taken from the Forest Preserve, without authority of law, is guilty of a misdemeanor; and in addition thereto is liable to the people of the State in the sum of twenty-five dollars for each tree so cut, felled, destroyed, removed or received, to be recovered in a civil action.

§ 2. This act shall take effect immediately.

All of which is respectfully submitted.

HOWARD PAYSON WILDS,

Chairman.

WILLIAM WHITE NILES,

TAYLOR J. ELDRIDGE,

THOMAS H. WAGSTAFF,

JACOB L. TEN EYCK,

Committee.

February 13, 1896.

TESTIMONY

TAKEN BEFORE THE

SPECIAL COMMITTEE APPOINTED BY THE ASSEMBLY
OF 1895, TO INVESTIGATE THE DEPREDATIONS OF
TIMBER IN THE FOREST PRESERVE.

ALBANY, N. Y., *July 15, 1895.*

Pursuant to the following resolution, passed in the Assembly May 3, 1895:

The Committee on Public Lands and Forestry, to whom was referred by the Comptroller copies of fifty-six affidavits relating to the depredation of timber upon State lands within the Adirondack Forest Preserve, submit the following report:

The subject was referred to a sub-committee that, after investigation, recommended that a small sub-committee should be appointed to proceed to some convenient locality in the Adirondack Park, or on the borders thereof, to examine and cross-examine deponents. Accordingly the committee recommended the passage of the following resolution:

Resolved, That the Speaker of this House be, and he hereby is, authorized to appoint a special committee of five members to conduct an investigation of the alleged depredation of said timber lands. Such committee shall have power to send for books, papers and persons, to examine witnesses, to employ one stenographer and one messenger, and to incur the necessary and actual traveling expenses. Such sub-committee shall report to the next Legislature, and the expense of such investigation shall be paid out of the contingent fund of the Comptroller.

The Speaker, Hon. Hamilton Fish, appointed Hon. Howard Payson Wilds, Hon. W. W. Niles, Jr., Hon. Taylor J. Eldridge, Hon. Thomas H. Wagstaff, and Hon. Jacob L. Ten Eyck such special committee.

Pursuant to notice, said special committee met at the Capitol in the city of Albany, N. Y., on the 15th day of July, 1895, all the members of the committee being present, and organized by the election of Hon.

Howard Payson Wilds as chairman, and Hon. Thomas H. Wagstaff as secretary.

J. E. West was designated by the Sergeant-at-arms of the Assembly to represent him in charge of such committee, and attended upon the committee and acted under their directions.

William Loeb, Jr., of Albany, N. Y., was appointed stenographer and was directed to furnish the committee with five copies of the minutes of all proceedings had before said committee.

On motion of Mr. Ten Eyck it was ordered that the Sergeant-at-Arms make a requisition upon the Comptroller for a sufficient amount of funds to defray the expenses of the investigation.

An interview was had with the Forestry, Fish and Game Commission, and maps of the State lands in the Adirondacks were examined and all information possible pertinent to the inquiry in question was obtained from said commission and also the names of the forest and game protectors.

The committee then adjourned to meet to-morrow (Tuesday) morning, July 16th, at Comptroller's office at 10 o'clock.

ALBANY, N. Y., *July 16, 1895.*

The committee met pursuant to adjournment at the Comptroller's office.

Present: Chairman Wilds, Messrs. Niles, Wagstaff and Ten Eyck.

An interview was had by the committee with Col. Morgan, Deputy Comptroller, and the affidavits obtained by the Comptroller in relation to depredations in the Adirondacks, were examined by the committee and copies of such affidavits, statements and reports were received from the Comptroller by the committee.

The affidavits were numerous and lengthy and the committee went into executive session for examination of the same.

On motion of Mr. Wagstaff the stenographer was directed by the committee to furnish five extra copies of the affidavits, reports and statements obtained from the Comptroller for the use of the committee.

On motion of Mr. Ten Eyck 500 subpœnas were ordered printed for the use of the committee.

The committee then adjourned subject to the call of the chairman.

The special committee of the Assembly appointed to investigate alleged depredations of timber on State lands met pursuant to call of the chairman at the Stevens House, Lake Placid, N. Y., August 2, 1895, all being present.

After discussion the committee adjourned until to-morrow morning at 10 o'clock.

SATURDAY MORNING, *August 3, 1895.*

The committee met pursuant to adjournment.

Present: Chairman Wilds, Messrs. Niles, Eldridge, Wagstaff and Ten Eyck.

BENJAMIN WOOD, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. Where is your place of residence? A. Right here in Lake Placid.

Q. At the Stevens House? A. No, sir; I used to live right below here.

Q. How long have you lived in this neighborhood? A. About 21 years.

Q. Are you familiar with the details and location of lands belonging to the State in this neighborhood? A. No, sir; I am not.

Q. Do you know of the State's possession of land in this neighborhood? A. No, sir.

Q. What is your business? A. Working at farming — chopping.

Q. Have you any interest in property in this neighborhood yourself? A. Well; my wife did have lot number 218.

Q. What township is that? A. Eleven, I think it is.

Q. How long since did your wife dispose of her interest in that property? A. She has not disposed of it. She is dead and it fell to the children, I suppose.

Q. When did she die? A. Five years ago last February.

Q. What was her interest in that property? A. Forty-five acres. That is what she bought it for.

Q. Do your children still own it? A. Yes, sir.

Q. In what part of lot 218 was that located? A. The south part — let me see, there are two quarters of the lot, Mr. Wells owns one-quarter and the State owns one-quarter of this lot, and I think my wife owned the other.

Q. Is that a wood lot? A. Yes, sir.

Q. With what kind of wood is it timbered? A. Spruce and hard wood.

Q. Old or young? A. Old timber.

Q. Never been cut over? A. No, not all it. Mr. Hayes owned it before we got it and he cut over some part of it.

Q. Do you know the location of the State land in lot 218? A. Yes, sir; I do.

Q. Has that lot 218 been divided up among the different owners?

A. No, sir; it is not divided. My wife bought 45 acres.

Q. Do you know what part the State owns and what part you own?

A. No, sir; I do not. It has never been divided.

Q. What did your wife buy, a tax title? Have you got a deed of the property? A. Yes, sir; we have got the deed.

Q. Have you ever cut any timber on lot 218? A. Yes, sir.

Q. Have you ever taken any from the State's land in that lot? A. I don't know where the State land is. It has never been divided.

Q. When did you cut timber there? A. Oh, I cut probably 40 cords last winter.

Q. Is that all you have ever taken? A. There has been more taken.

Q. What kind of timber did you cut? A. Hard wood.

Q. Did you count the trees that you cut? A. No, sir; I did not.

Q. Can you give any approximate statement as to the number of trees you did cut? A. No; I could not do it.

Q. Had you ever cut there before last winter? A. Yes, sir; we have cut our fire wood there. There has been wood cut there a year ago last winter that the State agent gave them leave to go on and cut.

Q. What State agent do you refer to? A. Mr. Parker.

Q. To whom did he give leave? A. Martin Flanders.

Q. What leave was given? A. Well, sir, I could not tell you. He went down there and chopped. I don't know any more about it.

Q. Where does Flanders live? A. He lives right down below here.

Q. Was it fire wood he cut? A. It was all hard wood.

Did you hear him give him leave? A. No, sir.

Q. What do you know about the leave being given? A. All that I know is that Mr. Flanders hired a man and he was chopping there, and I asked him what right he had there, and he said that Mr. Parker had given Mr. Flanders leave to go there and chop.

Q. When was that? A. A year ago last winter.

Q. Did he say he gave him leave to cut the growing timber? A. I think it was the old timber that he was cutting.

Q. Timber that had fallen down? A. No; I think it was old timber he was cutting that was standing there; a fire had been through there.

Q. How much did they cut? A. I don't know.

Q. Are those the only cutting of timber you have knowledge or information of? A. No; my son cut there last winter.

Q. Besides yourself? A. Yes, sir.

Q. How much did he cut? A. I couldn't tell you; I have not been on the lot since.

Q. Have there been any spruce taken off of the lot the last few years? A. The spruce was all taken off before we got it.

Q. Can you produce the deed of that property? A. Yes, sir.

Q. Will you do so now? A. I don't know that I could; I think the deed is down in Clintonville; I will see my wife and I will ask her where it is.

Q. Do I understand you to say that there is no spruce on that lot now? A. No, sir; not a great deal; there was a great deal of spruce.

Q. What kind of wood is on the lot now? A. Maple, beech and birch.

Q. Any hemlock? A. No, sir; I don't know as I ever saw any there.

Q. No soft wood there at all, now? A. No, sir.

Q. Has it been cut off? A. Mr. Hayes cut it off about ten years ago, and I don't know but longer.

Q. That was long before you got title? A. Yes, sir.

Q. Has there been any soft wood cut off since you came there? A. Yes, sir; there probably has been fifty standard of logs cut off.

Q. Since when? A. Since Mr. Hayes cut his off.

Q. Did you ever try to have the lot divided? A. Yes, sir; I went to Mr. Chellis about six months ago. I told him I wanted my lot divided and was ready at any time.

Q. Who is Mr. Chellis? A. A local surveyor here.

Q. When this soft timber was cut off did the State own any interest in the land then? A. I think it did.

Q. The part of lot 218, which you say the soft wood has all been cut off from is the southeastern quarter of that lot—is that right? A. I think it is.

Q. Did you ever bring any proceedings to have your interest set apart? A. No; but I told Mr. Chellis to write for me, and I saw Mr. Parker.

Q. What did Mr. Parker say about it? A. He said it could be divided when the State got ready to divide it. I told him I was ready any time.

Q. Didn't he tell you you could not cut any wood until it had been divided? A. No, sir; he told me I could go right on and cut all I wanted until it was divided.

Q. Is that lot well timbered yet? A. Yes, sir; lots of maple and beech and birch, but no soft timber. When Mr. Hayes owned it he went right to the centre of that 40 acres.

Q. Are you referring to that 40 acres now or the whole of lot 218? A. The 40 acres.

Q. You say that your wife owned this? A. Yes, sir.

Q. Were you mentioned in the deed at all? A. No, sir; I was not.

Q. How old are your children? A. They are of age — two of them. There is one who is six years old who is an heir.

Q. Were you acting as their agent when you asked Mr. Parker to set out your portion? A. Yes, sir.

Q. Now you know there is a large amount of State land around this vicinity? A. I know there is some belongs to that lot.

Q. Do you know how State land is distinguished from that belonging to private owners? A. No, sir.

Q. Isn't there any mark that you know of? A. No, sir.

Q. Do you know of any wood cutting done in this vicinity on State land? A. I do not, sir.

Q. That is because you do not know the location of State lands? A. That is just the reason.

Q. Is there much wood cutting done in this vicinity in the winter? A. Yes; but they are cutting right on their own land.

Q. What class of timber are they taking out? A. Spruce and pine.

Q. Do you ever see the State Forester around in this vicinity? A. No, sir.

Q. Do you know who he is? A. No, sir; I do not.

Q. What is the size of the spruce they are taking out? A. I could not tell the size of them because I never took any notice.

Q. Are they down to six inches? A. Yes, sir.

Q. Has the State Forester or anyone from the State authorities come to you about cutting on this lot? A. No, sir.

Q. Or forbidden you from cutting? A. No, sir.

Q. What right had you to go on this lot and cut wood on the State property? A. Mr. Clifford, who was our executor, said we had a right to go and cut the wood.

Q. You personally had no interest in the matter? A. No, sir; nothing more than a life lease of it.

Q. It belonged to your children? A. Yes, sir.

Q. Didn't you know that Mr. Parker was one of the Foresters?

A. Yes, sir, I did know it when he was in, because he told me he was.

Q. How many times have you seen Mr. Parker here? A. Half a dozen times.

Q. During how long a time? A. I could not tell.

Q. When was it that Mr. Parker gave Mr. Flanders the right to go there and cut? A. It was along in the winter time; I could not tell what time it was.

Q. This last winter or a year ago? A. A year ago last winter.

Q. Do you know the numbers of any of the lots from which cuttings have been made? A. No, sir.

Q. By any of these parties about here who are cutting timber for pulp mills? A. I do not know anything about it.

Q. Do you know who are doing the cutting? A. No, sir. All I know is that lot we own. I do not know anything about any other lots or anything about it.

Q. You state that there had been cut here in the winter spruce and pine? A. No pine on that lot.

Q. I don't mean that lot? A. I don't know anything about any other lots.

Q. Don't you know about cutting on other lots? A. No, sir. I was not in the place last winter.

Q. When did you last see Mr. Parker around here? A. Year ago last winter.

Q. Since the first of January last do you know of Mr. Parker or any other forester giving anybody a right to go on State land and cut the dead timber or the growing timber? A. No, sir.

Q. Have you heard of Mr. Parker giving anybody else leave to cut timber any where other than in the location that you have named? A. No, sir.

Q. Where is cutting going on in this district during the winter? A. I don't know.

Q. Where have you seen timber taken out? A. I never saw any except on 218 that quarter.

Q. When you cut timber there, where do you cut, all over it, or just in one locality? A. No, sir; only on one side of it.

GEORGE A. STEVENS, being duly sworn, testified as follows :

Examined by Chairman WILDS.

Q. You reside here at Lake Placid? A. Yes, sir.

Q. For how long a time have you been a resident here? A. About seventeen years.

Q. You were in 1894 a member of the Assembly? A. Yes, sir, 1893 and 1894.

Q. Representing this district? A. Yes, sir.

Q. What other offices have you held? A. Supervisor in the town and other minor offices,— commissioner, etc.

Q. Are you familiar with the location of the State lands in this neighborhood? A. A greater share of them I am.

Q. I show you a map of the Adirondack lands published by the Forest Commission of the State of New York ; will you state whether or not that map correctly indicates the State lands in townships 11 and 12? A. It does not.

Q. And will you state in what respect it is incorrect? A. The State lands are supposed to be designated in red color and lands owned by individuals are in white. The lands that are held jointly between the State and individuals are in red lines, and I noticed that a very large number of lots belonging to the State in this vicinity are not colored at all.

Q. Will you state the numbers? A. I don't know as I can state them all ; I can state quite a good number of them ; 129, 130, 131, 137, 138, 139, 337, 338, 359, 158, 159, 360.

Q. All in township 11? A. Eleven and 12 ; there are a good number of others here, but I don't quite remember the number so that I could be positive about them.

Q. The numbers to which you have referred are not indicated on the map as belonging to the State? A. No, sir.

Q. But you know that these lots are State property? A. Yes, sir ; and also are represented by the report of the Comptroller's office which I have.

By Mr. NILES :

Q. What title has the State to these lots? A. Some of them they bought away back ; of course the land in this country all belonged to Gerritt Smith at one time and his title was from the State ; the State owned the whole of it ; in the year 1847 Gerrit Smith purchased quite a number of miles square extending clear down into the south part of the town and also taking in a good deal of Franklin county, and he

transferred a good deal of this land to the negroes during the John Brown campaign, and he did it in small sections, 80 acres; at that time a colored man would have to possess a certain amount of real estate or money in order to have the right of franchise, and so in order to get the votes of these people Brown and his followers would steal these men down south and run them up into New York and this section and they became voters by Gerrit Smith deeding to them this land.

Q. Have you knowledge or information of the cutting of timber by any person upon any of the lands belonging to the State in this neighborhood, and if so, state the same in detail? A. There are no depredations whatever, except on—well that is putting it pretty strong; I would like to modify that; there might be some depredations that I don't know of; I might say I do not know of any except on lot 218 which is the lot in which Benjamin Wood claims to have an interest on behalf of his children; I know of no depredations during the past four years; previous to that there were.

Q. Is there any lumbering done in this section? A. Oh, yes.

Q. In what sections? A. Well, all through the whole town there is more or less lumbering, but of course it is on individual property.

Q. Can you specify in what sections the lumbering is now taking place? A. Township 11, lot 214, 194—of course, this is all individual property—lots 110, 111, 112, 103, 102, 81, 88, 115, also lot 14; the lots I mention now are very large lots: 11, 18, 15, 16 and 7; these are about 800 acre lots.

Q. Are any of the lots you now mention contiguous to State lands? A. Yes, sir; they are.

Q. Will you state which of them? A. One hundred and eleven, 23; 23 adjoins 19 and 6; No. 6 adjoins No. 11 which is being timbered; also 17 which is being lumbered now; they are cutting pulp wood there; that adjoins State lands.

Q. I suppose you can not state of your own knowledge that no lumbering is done upon the State lands which are thus contiguous to private property? A. Well, up to this last winter there was not, because Parker spent considerable time in tracing out some of the old lines and before the commencement of lumbering. This lumbering was done by the Allen Brothers, and they came on and surveyed their lots and marked them very plainly, and Mr. Parker spent considerable time in going over these lines and looking up the lines where they had surveyed and found the old lines, and was very positive that they had not been over the line.

Q. Your statements are based upon information from Mr. Parker? A. Yes sir, and also from being well acquainted with those lots, because I was trying to buy the same tract that Allen Brothers bought, and went all over them, and therefore, I am quite familiar with it.

Q. Could you give the names of the Allen Brothers? A. Allen Brothers and the Rogers Company. The Rogers Company own a good deal of timber land in this vicinity, and have for a number of years.

Q. Do you know whether any individual lumbering is being done on these lots you mention? A. Yes. We have several lots adjoining this 218, and we are cutting lumber almost every year. There is very little being cut for market; it is for our own use.

Q. Could you give the names of any one cutting timber there? A. Alford Brothers; they are residents of the town here; Ling Brothers; Benjamin T. Brewster; Byron R. Brewster; George T. Chellis. That constitutes the principal owners.

Q. Are they all residents here? A. Yes, sir.

Q. What mills are these parties whom you have mentioned cutting for? A. The mills right in the vicinity; Ling Brothers and Brewsters.

Q. Do they dispose of this lumber to them? A. Yes, sir.

Q. The last witness, Wood, testified that the Forester had allowed certain people to go upon the State lands and cut wood—the old timber. Is that customary for the State authorities to allow the people to go upon the State lands and cut the old timber? A. The commissioners two years ago, at a meeting they held, decided to allow their wardens to sell dead timber on State lands, and in the winter of 1894 Mr. Parker let a good many jobs through this section here ranging all the way from Franklin County down through Essex County.

Q. For which he was paid? A. Yes, sir.

Q. How much? A. Well, it was I think about fifty cents a cord—fifty or seventy-five cents a cord.

Q. That was all dead timber? A. Yes, sir; and also the logs were sold at fifty cents a stump.

Q. What measurements were taken of the wood cut? A. It was not to be removed until after it was measured. He forbid them to remove it until it was measured.

Q. Do you know of him measuring it? A. I do in all cases in this section.

Q. And collected the money for the licenses he had issued? A. Yes.

Q. Do you know about how much the moneys collected by him amounted to? A. I do not.

Q. Could you give any estimates? A. No, I could not. I do not think the whole amount would exceed \$50 from this town, but in Franklin county they had some large jobs there that they got \$150 to \$200 out of.

Q. Now, Mr. Stevens, you own considerable wood land around here? A. Yes, sir; I do.

Q. Is it, in your opinion, better to have the dead wood cut out, or is it better to have it stand and rot away, better for the land and the new growth? A. I do not approve of cutting any timber whatever on the State lands — that is, I do not think it is safe to allow it.

Q. In what way is it unsafe? A. Well, if you give them an inch they will take a mile.

Q. Aside from that, if they take only the dead timber, is it better to have it taken out? A. Take it in a primitive forest, I should say not. It all rots and becomes dead matter.

Q. It increases the danger in case of fire? A. I do not think it does, unless it is in the case of mud slush, or that a fire has gone through. If a fire has gone through many of the trees are killed by it, and if they fall over they simply make fuel for another fire. From that comes the vicious fires we have. The first fires are not very hard in a primitive forest. It will kill a good many trees and then they will fall down and there will be an accumulation that will feed the next fire.

Q. For that reason don't you think, if it can be honestly done, it would be better to have the dead timber removed? A. I do not think it is a good idea to have any privileges of that sort.

By Chairman WILDS:

Q. What knowledge or information have you concerning the cutting of timber on any of the State lands of township 27, embracing the Saranac Lake region? A. Dodge, Meigs & Company own the larger portion of township 27, the State having about 1,300 acres in that township.

Q. Adjoining Ampersand pond? A. Yes, sir.

Q. State the source of your information? A. Through one of the guides, Alford; that Dodge, Meigs & Company are preparing to cut timber in the vicinity of the Ampersand pond and also on State land the coming winter.

Q. Have you any information as to cutting having already been done on the State land there? A. I have been informed by one of the State agents that there was timber cutting on State land in the vicinity of Ampersand pond during the winter of 1894.

Q. What State agent do you refer to? A. Ryan, who is located a Saranac lake.

Q. How about township 24? A. That is the one in litigation now, and referred to Dennis B. Lucey, of Ogdensburg, Mr. Malby's law partner.

Q. Pending this reference, you do not understand there are any depredations being committed there? A. No, sir.

Q. Do you know of any preparations to remove timber from there? A. No, sir; it is very closely watched.

Q. Do you understand there is any claim made by Dodge, Meigs & Company that they have title to the land in question? A. I understand they claim they have title to the land in 27.

Q. Do you understand that they have ever attempted to perfect that title or settle the question by litigation? A. No, they never have.

Q. How are the State lands in township 27 designated? A. Lot 1, a subdivision of township 27.

Q. And the other is known as what? A. The Thousand Acre Tract, lying on the south side of Ampersand pond.

Q. Is the State's interest derived from tax title? A. It is on Lot 1.

Q. Does the State claim to be the original owner of the Thousand Acre Tract? A. I don't know about that.

Q. You have knowledge of the penalties attached under the statute, to depredations upon State lands, I presume? A. Yes, sir; I have.

Q. There is a fine of twenty-five dollars a tree cut, I believe? A. Yes, sir.

Q. Does that mean every little tree and big tree? A. Each tree.

Q. Do you know of any case where that fine has ever been collected? A. I do not know of any case where it has been collected to that extent.

Q. Has there been any attempt made by any of the State agents to collect that fine? A. In cases where they have cut timber the timber has been seized and action brought against the party, and it has been brought to a settlement.

Q. Usually a settlement has been made at so much a standard? A. Yes, sir.

Q. How long ago were these cases you now refer to? A. Three years, some of them. Suits were brought within the last three years, but the depredations were four years ago last winter, and those were in the northern part of this county.

Q. Do you think that all cases of depredations have been prosecuted? A. All that I have any knowledge of.

Q. Or information? A. Yes.

By Mr. TEN EYCK:

Q. In cases of prosecution for the fine of \$25 that would be brought before a justice of the peace and a jury, would it not? A. No, I think not. They are brought before the County Court. Of course, if it is over \$50 they have to.

Q. Are they bound to bring it in the County Court if there is only one tree cut? A. I don't think they would bring an action for a case of that kind unless they did it wilfully, etc., but if there was anything done about it, they would simply call upon them to settle for what they had done, and so far as I know they have always settled for them.

Q. It is customary then for the State agent when any depredations are committed to seize the timber and sell it at auction or else settle with the men for so much per log? A. Yes, sir.

By the CHAIRMAN:

Q. Mr. Stevens, interested as you are in the preservation of the State Forest lands, have you any suggestions to make for the improvement of the statutes for the preservation of these forests? A. I think the repealing of the present section in the constitution that prohibits the leasing of State land to individuals.

Q. Will you state the reasons why you think so? A. Well, the parties will camp on the lands and they of course are trespassers, but not finding that there is any complaint or any penalty for doing this, and it is conceded that the State land is public property for that purpose, they use it, and after awhile they will continue to occupy it in such a way that it will constitute an occupancy and in a measure will control the property until suit is brought against them and at a good deal of expense they will be ejected, while if the State would lease the lands, they would not only strengthen their title, but they would realize a large sum of money which would go a great ways toward having it better protected.

Q. Don't you understand that leases are now made of State lands for camps? A. No, sir; nothing can be done. There is no law now under which the State could sell a stick of timber or foot of land or lease a foot of land in this whole country.

Q. Don't you think, Mr. Stevens, we ought to have more protectors in this section of the country? A. Yes, sir; it is of vital importance. If they do not have them, it is like opening the gates. The present

season we are without any protection, and the violation of the game laws have increased wonderfully. Last year I do not know of any violations, while this year there are a great many violations.

Q. Violations of the game laws? A. Yes, sir; and when it comes on time for lumbering there will undoubtedly be a number of trespasses on the State land and timber stolen.

Q. What suggestions would you make in regard to the number and location of forest protectors for the preservation of the forest? A. I at least think that there should be two protectors, one located in the vicinity of—

Q. Two protectors to how much territory? A. Fifty square miles.

Q. You did not have in mind two protectors for each county? A. I do not think they should consider it in that way. Here is Clinton county down there that hasn't any timber on it. They have some State lands, but there is no timber in that county belonging to the State, and in the village of Plattsburgh they have a protector down there. I think they ought to increase the number around here where the State lands are located.

Q. What kind of men should they be? A. They should be good men. The men that they have named in this county and Franklin county are good men.

Q. Do you think that the salary that they get is sufficient to get good men and have them attend to their duties? A. I do. I think instead of increasing the salary of these men that it would be better to have more men.

Q. And appointed from the locality where the State lands are? A. Yes, sir, where the depredations would be liable.

Q. You think they should be residents of the locality? A. I do.

Q. Within the Adirondack Forest Preserve? A. Yes, sir.

Q. Have you any idea as to what number could properly watch this territory? A. Well, that would be pretty hard to tell, because this Adirondack Preserve extends down to the town of Wilmert.

Q. Are there any other suggestions that occur to you as to any steps that could be taken to prosecute these people? A. The State should make surveys of this land, I think, just as soon as possible and put up monuments designating the lands owned by the State.

Q. The reason of your making that statement is because sometimes depredations are committed unwittingly? A. By not knowing where the division lines are.

By Mr. NILES:

Q. Referring again to the permitting of the removal of dead timber from the lands, do you think it would be an advantage to the soil to leave that timber there and allow it to rot so as to accumulate further soil? A. Well, I think it would.

Q. As a matter of fact the soil of the Adirondack region is composed of decayed matter? A. Yes, sir.

Q. It would assist in the retention of moisture? A. Yes, sir.

Q. Under the new constitution they cannot cut any dead timber? A. No, sir. If a man by mistake goes on the State property and cuts timber and they find it out that he has cut it from State lands, they can seize the timber and they can not dispose of it in any way. It has got to rot just where they find it. They are not allowed to use it.

Chairman WILDS: That is an improper construction of the constitution. Timber means growing trees.

MELVIL DEWEY, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. Mr. Dewey, as an old resident of this locality, you are presumed to be interested in it as far as the State is concerned, and have some knowledge of what is going on about here, and on that account we want some information from you as you can give concerning depredations upon the State lands of which you have knowledge or information? A. Well, Mr. Chairman, I have a great deal more sympathy than information for the committee. If I can do anything to help the committee I shall be pleased to do it as I am entirely in accord with its objects.

Q. Mr. Dewey, will you state where you reside and your official relations to the State? A. I am secretary of the University of the State and reside at 315 Madison avenue, Albany, and I spend two or three months of every year at Lake Placid. This is my third year here. I am subject to hay fever and find the climate here beneficial.

Q. Is your knowledge of this locality limited to such as you have gained during the three years' residence here? A. I have visited the Adirondacks, spent one summer at Keene valley several years ago, and I have made short trips. I have spent much time here the past three years.

Q. Have you any knowledge of the boundaries of State lands in this locality? A. Yes, I know pretty well the location of the State lands in this locality from the maps, and have visited some of them, but I have never looked at them with regard to the timber depredations.

Q. Have you knowledge or information as to any depredations which have been committed upon any of the State lands in this locality, and if so, state the same in detail? A. I know of no specific cases that my information will be of any value in testimony. I only know that from scores of conversations with natives and lumbermen and others about here, the common remark is that when men wanted a little timber there would not likely be anything said about it if he got it over the State line, and that he always located the State line very liberally. There seems to be that sentiment that anything belonging to the State there is nothing immoral in a man taking it. I could not take the committee to a place where this is being done, but undoubtedly is.

Q. Has any information of a definite character come to you relating to any depredations on the State lands within the last three years? A. I can not recall a single case. On definite depredations my story would be almost worthless. I have been interested in the Forest Commission and Forest Association and Congresses, and in the question of education in practical forestry as a State question. I am interested in this question in three other ways, as a State or National Park and as a sanitarium. We have had a large number of conferences on the subject of building places where people of limited means can stay. I feel a great interest in that as a matter of philanthropy. Thirdly, I am interested greatly in this question, because for a number of years I have had in mind a wilderness school where children who have had fathers or mothers die of consumption and who have consumption tendencies could be educated. I believe that you could establish a school here and turn them out with such rugged health that they could go on through life, whereas if left to themselves in the cities they would die before they reached the age of 25. I have talked with a great many prominent educational people and they agree if that was done we could probably secure endowments. You take a wealthy man who had a son come here and was saved. He would be very liberal to such an institution. We would also be able to secure teachers. There is not a college in the county that has not a teacher that is afraid of something about his throat. You would have rich people come here who could afford to pay a fee, and that with the endowments would enable us to take in poor people. At the proper time I think I can make some suggestions that can be attached to your report — after you have got all your information. On the facts of depredations I really can give you no help.

Q Will you give us the benefit of your suggestions for the improvement of the law for the protection of the Forest Preserve against dep-

redations? A. The first thing, it seems to me, of the very greatest importance in an economic sense and to administer this law, is to buy up these little scattered patches. If a man owns an acre of land here adjoining the Preserve and gets on the State land, he says he don't know it. I think that is the greatest menace. It seems to me of the greatest importance for the State, even if they had to bond the State to buy these little patches. If a man owns a single acre of land adjoining the State lands there, he will cut timber on the State land and be cutting timber a hundred years and all the while say he don't know it. Actually it will cost the State less money to buy say a hundred and sixty acres from a man in the heart of the forest than it would be to run the lines to locate this land. Mr. Colvin, of the State Land Survey has some men in the field now

Q. What do you say about surveying the lands that are contiguous to State lands? A. It will take a great deal of money to do it. It seems to me to be the settled policy of the State, and public sentiment is behind it, to acquire these lands rather than spend a large sum of money in locating them by placing monuments in. After the State buys the land it is of no interest to the public what man owned it. There is \$50,000 appropriated for the State Land Survey under Mr. Colvin, but it will melt away, as it is very expensive work.

Q. Do you think the penalties under the existing law are adequate? A. I think they should be made more severe; people should understand that these forests are sacred and a man should not tamper with it; if the penalties were more severe and posted all through this section that prosecutions would be made, I think it would help; the Constitutional Convention has called attention to the importance of this matter; there are people up here would take an axe and go out and cut timber on State land if it was a State prison offense; I think the true policy is to buy the scattered lands; then you could protect the timber much easier; another thing I hope you will draw out in your investigation is a work which Mr. Stevens started on, and that is in trying to declare the carries between these lakes a public highway; my feeling is very strong that the State should condemn the lakes and waterways and carries and make them state property and at the same time to be able to protect them; for instance right under your window there is a beautiful sheet of water; here is a man that has got a shanty—a laundry—here is a man building a yellow barn and dumps his refuse into the lake; it is ruinous to the lake; they make it just as offensive as they can so as to compel somebody to buy them out; this State is

interested on the same principle that led DeWitt Clinton to put through the Erie canal. This section is being known all over the world. People come from every State in the Union. Physicians tell me there is nothing finer in the United States for pulmonary diseases and hay fever. Now, you take a man that comes from New York city with his family. They travel over New York State railroads and they leave thousands of dollars here in the State of New York. New York State can afford to do something to protect these forests. If there was not a river in this section, as a mere matter of economy and wisdom I believe it would be a paying investment for the State to declare these lakes and carries a part of the forest preserve. Some of these deeds run out into the water, and in other cases only to low water mark. I suppose the legislature could have the lakes condemned. The abutters could be bought out. If that is done, I wish it were possible to carry out a certain amount of protection to the shores. People are coming in here more and more, and when they determine where they will settle they pick out a beautiful lake, and when they know that is part of the State lands and will be protected, it is vastly more attractive. I am looking at a man's place now, who put in sticks of dynamite and blew up some maple trees that any man would give a hundred dollars for to have in the city. He blew them up in the air and said he was improving the place for city people. The height of their ambition up here is to turn the land into potato patches.

Q. Inasmuch as the State is committed to the Park, don't you think the quicker they buy these lands the better? A. Certainly. These lands could once have been bought for 25 cents an acre.

Q. If you should condemn the lakes wouldn't it stop the building of cottages on the lakes? A. I have great doubt of that clause in the Constitution prohibiting the leasing of land. You lease a man five acres on a beautiful lake and he will pay you \$200 a year, and the State would get a large income from it. That seems to me to be overdone in the revulsion of feeling against these depredations. I am inclined to think that if you investigate this far enough that the committee would recommend a modification of the Constitution to that extent—that the proper officers could lease cottage sites, so as to open up the country. The State would get an immense income from it, for people are coming from all over the world here, and they would rather have the State to deal with than any club, because no small advantage would be taken of them.

Q. You would recommend that the Constitution be amended in that respect? A. Yes, sir.

Q. Have you ever examined the United States statutes with reference to the protection of the Yellowstone Park? A. No, sir.

Q. They probably contain many suggestions which might be well to adopt with reference to this park? A. Probably they would be very suggestive. The protection of these woods for a water supply is sufficient reason, but if that consideration was out of it the other reason I have given would be sufficient. I have been for 20 years looking for a place that would be favorable for my complaint. Now, I mentioned the carries once or twice. For instance, here are these two lakes. They come within 500 feet of each other and for years people have gone back and forth; and yet if Mr. Stevens wanted to he could close it up and the people would have to go over the mountains. He himself tried to get a law passed by which these carries would be made public highways and no individual have the right to shut them up. Every one of these carries should be a public highway. If you condemn the waterways and carries and the State own them absolutely there is the first step. The second step would be to open up these carries. Now here is one of the most popular places in the Adirondacks, and I will show you a carry that is filled with rocks. It would not cost \$25 to open it. Thousands and thousands of citizens go over that every year. If it were declared a public highway it could be fixed at a trifling expense and be made attractive.

Q. You have no personal knowledge of any depredations in this neighborhood? A. No, sir. That would seem to me that this committee is more in the nature of a detective committee to catch these timber thieves. You will have no difficulty in finding plenty of cases. For instance, some of the people here say that if you put your finger on the line you have a right to cut any tree within your reach.

Q. You stated that you hadn't any knowledge of any depredations, but you say now it is common rumor? A. It is common rumor. I think I could tell you a man who could tell you. I never had any conversation with him. He is a surveyor and has run a good many lines.

Q. Common rumor—of course, you can remember somebody who has told you? A. Well, I pick it up from stage drivers and a number of people here. I can not remember a definite case. As I understand the law at present, a man can come and pitch a tent and he can use fallen wood perhaps for his fires, but he has no right to cut a tree or build the simplest cottage.

GEORGE A. STEVENS (recalled).

By Chairman WILDS:

Q. Have you any personal knowledge of the effect upon the streams of denuding the forests of their timber? A. I was speaking about the result on the waterways of the clearing off of timber. While the district I am acquainted with is not a Hudson River district—it goes over to Lake Champlain—but it is just as good a place to show the result—I said to Mr. Wagstaff that I would like very much to take some of the Committee through that section of country that had been denuded of its timber. In the vicinity of Franklin Falls and so along down to Palmer Forks, the timber has all been taken off by the lumbermen and iron and charcoal people. I am relating now something I have seen in my time. Brandy Brook, which was a large stream—there was a large saw mill on it and the stream furnished ample power for that and even more if it was needed, and to-day there is not a single drop of water running in that stream for two months in the summer season.

Q. Has it been diverted to some other course? A. No, sir; in no way, shape or manner except they have cut the timber off the watersheds. There are a half a dozen different streams in that locality within a radius of twenty miles. The streams have all dried up during the summer season for two or three months. There is not any water running in them at all and there any one to-day can see the ruins of these old sawmills. In one case at Silver Lake there was a stream that was 15 feet across it during—in fact I never saw very much difference in them—I lived near the outlet of this lake and we never used to see any great difference in the flow of water except in the spring flood, and in the summer season there would be very little difference in the stream, and the last four or five years during the summer season there is not a drop of water running out of that stream, just because the Rogers Iron Company cut this timber all off for charcoal and the stream is dried up, and you can go down that stream to the Saranac Lake and you can see the ruins of forges and sawmills.

Q. Can you locate on the map the stream to which you refer? A. It is in township 3, town of Black Brook, Clinton county.

Q. And there are State lands contiguous to that lake? A. Yes, sir.

Q. Brandy Brook is located where? A. In township 10 of Franklin county; it has its source in State lands but runs the greater part through private lands into the Saranac River into which it enters near the border line of Franklin county.

Q. Mr. Stevens, will you inform us as to your views as to the wisdom of the State's ownership of the lakes and carries in this section, especially with a view thereby protecting the State lands within the forest preserve? A. Well, I can tell you something about my experience in reference to the matter; in 1893 I presented a bill that was to make all lakes, ponds, streams, trails and roads heretofore used as public highways, should be designated as highways and used as such hereafter; where they crossed individual lands they should be paid whatever the damage was; I found that it met with considerable opposition; every club and every park owner was interested in it and was down there at Albany and they gave me a great fight; I passed it through the Assembly in spite of them; it was killed in the Senate by two votes; they came there with considerable feeling; notwithstanding that I personally would have come under the provisions of this bill, I would have been glad to do what I could; it is a very valuable land right here between these two lakes; I conceded all that but when I found they were bound to beat it I let the matter drop; I know many places where it would be convenient for the traveling public to have those carries.

Q. You believe it would be in the interest of the State in the protection of its forest lands to have the ownership of the lakes and carries? A. So far as the protection is concerned I can not see why it would be any protection to have them thrown open to the public. Of course, the more you throw the country and lands open to the public the more you are subjected to the fires, etc. I can not see where it would be any protection to the land, but it would simply allow the people who visit this country for their health to enjoy the freedom of the region which is sought for and desired by, I think, the majority of the people in the State of New York, who want to maintain this country as a pleasure ground. I think the protection would be rather jeopardizing to the present condition by subjecting them to fires and that like by people going through.

The committee then adjourned.

FULTON CHAIN, N. Y., MONDAY, *August 5, 1895.*

Present: Chairman Wilds and Mr. Niles.

JOHN J. WAKELY, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. You reside at what place? A. Fulton Chain now.

Q. How long have you lived here? A. A little over a year.

Q. Previous to your residence here where did you live? A. In the town of Johnsburg, Warren county.

Q. How long did you live there? A. About 44 years. I always lived there.

Q. You were born there? A. Born and raised there.

Q. What is your business? A. Well, for the last 15 or 18 years I have been contracting most of the time.

Q. In what? A. Lumbering business mostly.

Q. And in connection with that business filling in your spare time as a little side issue, you also run a hotel? A. No, sir; I never ran a hotel before I came here. I was a farmer. I had a farm there.

Q. You are the proprietor of Hunter's Lodge, at Fulton Chain? A. Yes, sir.

Q. You have been, I presume, long personally familiar with the various tracts here in the Adirondacks? A. Yes.

Q. And with the location of the State lands within the Adirondack Forest Preserve? A. Well, a good many of them; yes.

Q. And have been personally upon those tracts? A. Well, not very much on State land. I have never looked it up—that is, to look up the State lands. I have been in the lumbering business and cutting timber.

Q. Well, in what section of the Adirondacks have you pursued your business of lumber contractor? A. Well, I have cut timber in the town of Indian Lake, township 32. I am lumbering there now. I have lumbered in Essex, at what they call the Upper Iron Works, at Tahawus, township 46, town of Newcomb. I have lumbered in the gore between township 12 and 13. I lumbered three thousand acres there in the town of Johnsburg.

Q. Seventeen and thirty-two are gospel and school lands? A. No; I am not lumbering on any gospel and school lands. They were lumbered out before I went there.

Q. Whereabout on the Sacandaga river did you do any lumbering? A. Somewheres up in lots 32 or 33. I can not locate it exactly.

Q. Can't you state definitely whether it was on lot 32? A. There was some dispute as to those lots. There was a dispute in the survey.

By Mr. NILES:

Q. You have sworn to an affidavit here on the 21st of December-1894, that in the fall of 1892 you made a contract with Patrick Moy, nehan, of Glens Falls, and T. D. De Pan, of Indian Lake, to cut, pile and draw 5,000 market logs in the town of Johnsburgh, in the county of Warren, N. Y., on lots 32 and 33? A. Yes, I did.

Q. How could you locate it? A. I don't know as I did locate it. They pointed it out.

By Mr. WILDS:

Q. Lot 32 was State land? A. That I could not tell you.

Q. Don't you see there as designated on this map (showing map to witness)? A. I see it is there. In that affidavit I think I said lot 32 or 33, I could not tell which.

Q. You are now cutting timber, I believe? A. Yes, sir.

Q. Where? A. On township 8, up here in Herkimer county.

Q. On what lots? A. Well, it is not subdivided. It is all in one township. It takes in most of the Fulton chain.

Q. Township eight of what tract? A. John Brown tract, town of Wilmurt, near the Big Moose lake.

By Mr. NILES:

Q. What kind of timber are you cutting? A. Pine, spruce, hemlock, tamarac and balsam.

Q. Cutting all the timber on the tract? A. All the soft timber.

Q. Down to what? A. Ten inches on the stump.

Q. Do you leave the timber below ten inches? A. No; we intend to. Probably none of it is cut.

By Chairman WILDS:

Q. Mr. Wakely, in your business as a contractor, with whom have you made contracts for the cutting of timber upon lots 32 and 33 of township 11, Totten & Crossfield purchase? A. I don't know as I ever made any contracts. I am not positive as to the number of the lot.

Q. With whom did you contract? A. Patrick Moynehan and T. D. De Pan.

Q. When was that contract made — was it in writing? A. No, sir.

Q. Was it within a year? A. Oh, no.

Q. Within two years? A. Well, now, let me see; I would not swear that it was within two years positively, because I do not know; I could tell if I was at home and look my books up about the transaction.

Q. How were the lands located for the work of cutting timber in accordance with the contract and by whom? A. Well, Mr. De Pan went over the lot with me and showed me the lot.

Q. And you cut wherever he told you to cut? A. Yes, sir.

By Mr. NILES:

Q. Did you at that time you went there follow the boundaries of the lot? A. Well, on the north side he claimed to find a line there. He had a surveyor there, but the surveyor claimed there was a dispute about the lots or location of them, but finally he thought that was the line and Mr. De Pan told me to cut.

Q. Did you investigate yourself or in any way make certain for your own information as to whether you were cutting on State lands or private property? A. Nothing only in accordance with his direction. He told me that was the lot and I went on.

Q. In your work as a contractor do you never investigate yourself as to whether or not you are going to cut timber on State land or not? A. No, sir, I never did; I never had to; I was always shown the lots

Q. What was the nature of your contract with Moynehan and De Pan? A. I was to cut the logs off at so much a market and drive them in to the Sacandaga River down to Griffin.

Q. Do I understand then that you cut timber wherever you are told to or wherever you contract to cut it, indifferent as to whether it is State land or not? A. I didn't suppose that any man would let me job on State land. This township 8 may be State land for all I know. I never investigated it to see.

Q. How much timber did you cut from lots 32 and 33? A. I could not tell you. I would tell if I had the bills. I had the measurements of them at one time.

Q. Did you in the fall of 1892 make a contract with Patrick Moynehan and T. D. De Pan to cut, pile and draw 5,000 market logs in the town of Johnsburgh, county of Warren, N. Y., on lots 32 and 33, township 11, Totten and Crossfield patent? A. Yes, sir; I made a contract to that effect.

Q. Did your contract specify upon which of those lots you were to do this work? A. Well, I think it was 33 or 32; I won't be positive. I know I did know at the time. They showed me the lots and I went and cut them.

Q. How did you locate the land upon which you did the work there? A. Well, I located it by one line on the east, as I understand it now, and the other side came to the burnt timber.

Q. What marks of the survey did you have? A. I had no survey.

Q. Did you have no surveyor's assistance? A. No, sir.

Q. Were you familiar with the location of State lands in that neighborhood in township 11? A. I was not.

By Mr. NILES :

Q. You knew that there were State lands in that township 11? A. Yes, sir; I heard there were, but I could not locate the lots.

By Mr. WILDS :

Q. But you did not attempt to inform yourself as to the location of the State lands? A. The best I could. I tried to keep on the lot. I could not tell whether they were State lands or not, because I had no way of telling.

Q. Did you in the winter of 1892 cut 5,000 market logs from 32 and 33? A. Well, to the best of my recollection, it was not quite that number.

Q. Have you not heretofore stated in an affidavit made before E. L. Marks, justice of the peace, that in accordance with that contract you did, in the winter of 1892, cut, pile and draw 5,000 market logs? A. Yes, I think it was something about that, but it might have been 4,500, or something like that. I am not positive about that.

Q. Did you later, in the winter of 1893 and 1894, cut for the same Moynehan timber upon ground in the same township? A. Yes, sir.

Q. And upon what lots? A. Well, sir, I could not tell; I don't recollect what lots I was on. I cut one lot that the river ran right through it.

Q. Well, who located the ground for you upon which you made your cuttings in the winter of 1893 and 1894 in Township 11 of the Totten & Crossfield patent? A. Mr. Moynehan. You mean the next job after the first one you were talking about?

Q. Yes. A. Yes, Mr. Moynehan went there with me. I understand Mr. De Pan did not have anything to do with that.

Q. Didn't you in any way verify the location of the lot? A. That I could not say.

Q. How many men did you employ under you? A. I could not say that exactly.

Q. Will you give the names of as many as you can remember to have employed under your contract with Moynehan and DePan, for the

cutting of timber on lot 32 and 33, in township 11, Totten and Crossfield Patent? A. I can recollect the men I let it to there; Moorehouse & Cooper.

Q. You sublet your whole contract? A. No, the next year I put in 35 men myself. I had a foreman there, Tom Keays.

Q. Do you know Alonzo Davis, of Johnsburgh? A. Yes, sir.

Q. Was he in your employ? A. No, sir.

Q. Do you know Nathan Davis? A. Yes, sir.

Q. Was he in your employ? A. No, sir.

Q. Do you know Jesse Wells, of Johnsburgh? A. Yes, sir.

Q. Was he in your employ? A. He was.

Q. Under what contract? A. Well, I think in 1893 and 1894.

Q. When you were cutting timber in the winter of 1893-4, in Township 11; from what lot? A. I think it was 35, he told me the name of the lot was.

Q. Do you know how the lot upon which you were cutting timber was bounded? A. Suppose I did.

Q. Do you know now? A. Well, I don't know—I could not give you any survey points.

Q. Do you know the owners of adjoining lots? A. Mr. Parker and Mr. Thurston own lots right by there.

Q. Immediately adjoining? A. I think so.

Q. What other owners adjoin? A. I could not say as to that.

Q. Well, give me your best recollection of the matter? A. Well, I suppose Mr. Freeman owned some close by there.

Q. Do you know anything about the Sawyer clearing? A. Yes.

Q. Is it anywhere near that neighborhood? A. Yes.

Q. How near? A. Very close.

Q. Can you point out Sawyer's clearing on this map? A. I don't think I could.

Q. Were you not working on both sides of the Sacandaga river, northerly, easterly and westerly from the Sawyer clearing? A. Yes.

Q. Extending about one and a half miles easterly from the Sacandaga river up Diamond Mountain brook? A. Yes, I cut some up that way.

Q. Will you indicate that location upon this map? A. I do not know as I could.

Q. Did you in the fall of 1893 cut timber from lots 10 and 11 in the gore between townships 29 and 31 of the Totten & Crossfield patent? A. Not that I know of. I owned some lots right close to that. I got the deeds from the State.

Q. Do you know where the Curtis clearing is in that gore? A. Yes; I am supposed to own it.

Q. Will you locate it and indicate upon what lot it is—isn't the Curtis clearing in lot 12 of that gore? A. I think that it is.

Q. Do you remember having employed George E. Cooper in the fall of 1893 to cut timber for you? A. Yes.

Q. To cut, pile and draw logs from lots 10 and 11 of the T. & C. patent, in the gore between lots 29 and 31? A. No, sir; I did not.

Q. Will you state whether or not under your direction he commenced cutting timber on the westerly side of the Curtis clearing and cut from thence westerly, and that he cut at least 1,200 market logs from lots 10 and 11 of that gore? A. I am supposed to own 11 and 12 there.

By Mr. NILES:

Q. What do you mean by "supposed to own it"? A. Well, I have got the deeds of them and got them redeemed from the State.

Q. From whom have you the deeds? A. I got my deeds from a man named Westcott, and he got them from a man by the name of Curtis, and I have some deeds, I think, of lot 12 of Mr. Curtis' heirs—his widow.

Q. Haven't these lots been sold by the State for non-payment of taxes? A. Yes, sir; I got them redeemed that fall that I cut the timber from them.

Q. Have you got the redemption? A. Yes, sir; I have got it on record.

Q. Does that redemption include lot 11 to your knowledge? A. I think it does. There are 560 acres and it will take in two of those lots. I suppose they are lots 11 and 12.

Q. Why do you suppose? A. I can not tell you without looking at the papers.

Q. Where are your papers? A. I think I have the most of them here.

(Mr. Wakely produced the Comptroller's certificate of cancellation of tax sale of lands in Warren County as follows: Gore between townships 29 and 31, Totten and Crossfield purchase, lot 11, which was sold at the tax sale for non-resident taxes from 1871 to 1875 inclusive, and under such sale conveyed to the people of the State of New York, and which sale was cancelled on the 15th of December, 1893, by this certificate, signed William J. Morgan, Deputy Comptroller, dated the

6th day of February, 1894, and recorded in the clerk's office of Warren county, on the 6th day of March, 1894, at 9 o'clock a. m., in book of deeds No. 70, on page 42).

(Mr. Wakely also produced warranty deed of William A. Wescott to John J. Wakely and Benjamin Wakely, dated the 6th day of June, 1893, and recorded in the clerk's office of Warren county on the 23d day of August, 1893, in liber 71, page 138, purporting to convey that certain lot, piece or parcel of land lying in the town of Johnsburgh, county of Warren, in the gore between townships 29 and 31, lot 11, containing 240 acres of land).

Q. You don't claim to own title to lot No. 10 in that gore? A. No, sir.

Q. Is lot 12 in that gore known as the Curtis clearing? A. Yes, sir.

Q. Did you, in the winter of 1893, employ Douglas Morehouse and George E. Cooper to cut, pile and draw logs for you on the easterly side of the Sacandaga river northerly from the Sawyer clearing, on both sides of the Diamond Mountain brook? A. Well, I could not locate it; I employed them to put in some logs on what I supposed was lots 35 and 36, isn't it?

Q. Do you own lots 35 and 36 of township 11? A. No, sir.

Q. How did you come to cut there? A. I did it for Mr. Moynahan.

Q. You made a contract with him for that purpose? A. Yes, sir.

Q. How much did you cut? A. Now I can't say just positively.

Q. Haven't you any records you can produce indicating it? A. I haven't here.

Q. Well, did Morehouse and Cooper cut for you from that tract a thousand market logs? A. Yes.

Q. Did they cut two thousand logs? A. I think they did.

Q. Three thousand market logs? A. I think they did.

Q. Did they cut four thousand market logs? A. No, I do not think they did—I would not say—I have got that; they did not do all the cutting that was done there that winter; I don't think of those things and they go out of my memory; I would not be positive how many logs it was.

Q. Was the work which they did for you done by virtue of your contract with Patrick Moynahan? A. Yes, sir.

Q. And it was done upon land pointed out to you by Moynahan? A. Yes, sir.

Q. And which was located for you in no other way? A. No, sir; it was not.

Q. Mr. Wakeley, how is the Stone lot in township 11 designated upon this map? A. Well, sir, you might think I was joking, but I can't tell whether it is on lot 32 or 33; I think it was 33, but I am not certain about it; it is one of the two.

Q. Have you taken other contracts for timber cutting from Moynehan and De Pan? A. No, sir; Mr. Moynehan owned a third interest in that township I am lumbering at Indian lake, and the rest of the township is owned by the Morgan Lumber Company and George Underwood.

Q. Is the land upon which you did that timber cutting around Round pond? A. I think not.

Q. Was it adjoining Indian lake? A. On both sides of it.

Q. Do you know the numbers of the lots? A. No, it is not subdivided, I think; it is all in one lot that they own of it.

Q. Did you go upon the gospel and school lands of township 32? A. I think not.

Q. But you are not at all positive? A. Not that I know of, I did not.

Q. You took Moynehan's direction as to where to cut? A. No, sir; Mr. Underwood has directed us so far.

Q. And you have cut wherever he told you to? A. Yes, sir.

Q. Without any knowledge as to whether you were cutting upon State land or private land? A. Yes, sir.

Q. How much timber have you cut there? A. Well, I think it is about 60,000 markets, as near as I can recollect; we have been there three years—between 50,000 and 60,000.

Q. How much of that have you cut this year? A. Well, we have not cut very much this year; we are cutting now.

Q. And you have had no measurements of timber cut this year? A. No, sir; not that I know of; my brother attends to that part of the business.

Q. Your brother Benjamin Wakely? A. No, sir; Fred Wakely.

Q. How many men are you employing there? A. Oh, I should think 50 or 60 men now.

Q. Can you give the names of any of them? A. Well, I understand this man Keays is foreman for him on the job there, and Benjamin Wakely has got one job; Port Ordway is at work there; there is a man by the name of Tellow.

Q. Was Harry Richards in your employ in any of your timber cutting? A. Yes, sir.

Q. For what purpose and when? A. I took him up and he showed me the line between 11 and 12 and 29, I think — 31, wasn't it? He showed me the boundaries of the lots 11 and 12 in the gore between townships 31 and 29.

Q. Did you employ him for any other purpose? A. No, sir.

Q. Why did you wish to locate the boundary between those two lots? A. Because I was going to cut timber there.

Q. Do you not claim to own lots 11 and 12 in this gore? A. Yes; but he was to show me the line between those two lots and the 29th township.

Q. Then he simply located for you the southerly line of those lots? A. I think it was the southerly line.

Q. Did Patrick Moynehan have any thing to do with your cutting of timber on that lot? A. No, sir.

Q. Did you locate at all the northerly boundaries of lots 10 and 11? A. I did.

Q. Are you certain you did not go beyond this northerly boundary line in your cutting of timber? A. I didn't know as they had; I showed them the line; I didn't suppose they had.

Q. Do you know how much timber you took off of those gore lots? A. Well, it was between 1,200 and 1,500 markets.

By Mr. NILES:

Q. At the time that you commenced cutting upon these lots 32 or 33 or lot 34, as you claim, in township 11 of the Totten & Crossfield patent, did you take any precautions to locate the lines of the lot upon which you were cutting the timber? A. I did not know as I was cutting on 34.

Q. But did you take any precautions to locate the lines of the lot? A. I did find some lines; I do not know whether they were the right ones or not.

Q. What did you do? A. I traced up those lines.

Q. Upon how many sides of the lots? A. Upon one side.

Q. Which side? A. The northerly side.

Q. Did you make any effort to determine the other boundaries of that lot? A. No; the other side came to the burnt timber clearing upon one side.

Q. Is there any method by which the men who are employed in cutting timber could determine when they have reached the boundaries of the lot? A. Nothing; only as I showed them.

Q. Did you do anything other than you have stated to determine whether the land upon which you were cutting was State land? A. No, sir.

Q. Did you have any intimation during the existence of your contract for the work on the property that the land upon which you were cutting was State property? A. No, sir.

Q. Were you not warned upon at least one occasion that the land was State land? A. Not to my recollection.

Q. Are you positive about that? A. No, I will not be positive about that, because there was great question where those lots were located, which one was 32 and which was 33.

Q. Were you personally present when this lumber was being removed? A. Well, I was there at some time.

Q. Were you there all the time? A. No, sir.

Q. Was the timber removed by you personally or by sub-contractors? A. That first job Cooper & Morehouse drew part of it, and I sent my teams in afterwards and drew the rest; they drew what they skidded.

Q. Did you give any instructions to your foreman or sub-contractors as to what timber he should cut? A. Yes, sir.

Q. What instructions did you give? A. I showed him the lines he should cut to — where I supposed the lines were.

Q. Did you tell him over what extent of territory he should cut or only the number of markets? A. I don't recollect that I told him that I was going to cut a certain number of markets; I told him I was going to cut such a territory over.

Q. What instructions did you give him about that? A. Well, I showed him as I supposed the country I was to cut.

Q. What did you tell him — just give the language? A. Well, I would not give the exact language — I could not.

Q. What I want to get at is the formal instructions you gave him, or whether it was only necessary to cut in such a tract? A. I told him to cut in such a direction.

Q. Until it was stripped of every kind of timber? A. No, it was the soft wood; spruce was all I cut in that country.

Q. You removed all the soft timber, didn't you? A. Spruce and balsam.

Q. Now did you personally cut the timber on lots 10 and 11 of the gore between townships 29 and 31? A. Eleven and 12 you mean.

Q. Ten and 11 it is claimed the timber was cut on? A. I cut some logs on 11 and 12.

Q. My question is whether you did it personally? A. No, I did not.

Q. How was that cut? A. By George Cooper.

Q. Under contract? A. Under contract; yes, sir.

Q. What instructions did you give him? A. I went and showed him the lines,—how the lines started in, and suppose he could follow them; they are quite plain.

Q. The lines you mean of lots 11 and 12 of the gore between townships 29 and 31 of the Totten & Crossfield purchase? What instructions did you give him as to the amount of timber he should cut? A. I told him to cut what there was there on the two lots.

Q. What effort did you make to run the lines of those two lots? A. I took Mr. Richards in there to locate the lines; I did not run them through.

Q. Did you instruct him to begin at any one portion of the lot and cut in a certain direction? A. I did.

Q. What were the instructions? A. I commenced at the lower corner of 11 and told him to follow the line.

By Chairman WILDS:

Q. Well, Mr. Cooper on the 17th day of December, 1894, swears that he made a bargain with you to cut, pile and draw logs from lots Nos. 10 and 11 in the gore between townships 29 and 31, Totten & Crossfield patent? A. He is mistaken.

By Mr. NILES:

Q. Now, what other timber did you cut in the vicinity of those two tracts? A. On those two lots?

Q. No, those two tracts—that is, the tract in township 11 and in this gore? A. Well, you mean in the vicinity of lots 11 and 12.

Q. In the vicinity of those two tracts, lots 33 and 34 and lots 10 and 11 in that gore? A. Well, I could not locate any.

Q. Well, you could some? A. Well, I cut some logs on—I can not locate any place where I cut any logs.

Q. Now, did you cut any logs anywhere in that vicinity except the two lots that you have mentioned? A. Yes, I did.

Q. When was that? A. I cut some logs that Mr. Moynihan bought as stumpage; I think he told me about them and drew them to the saw mill.

Q. When was that? A. Well, that was in the winter of 1863-4.

Q. Can you state in about what vicinity you cut that timber? A. I could not locate any lots now.

Q. Can you state whether it was north of lots 33 and 34 in township 11? A. No, I think not.

Q. Did you cut any timber on lots 15, 16 and 17, in township 11? A. Not that I know of.

Q. Do you know that you did not? A. No, I do not; I might have cut.

Q. Now, it has been stated by various parties that timber was cut by you on lots 32, 33, and 15, 16 and 17, in township 11; are they correct in making that statement or not? A. I can't say.

Q. It has been stated by various parties that timber has been cut by you on lots 10 and 11 of the gore between townships 29 and 31; can you state whether that was true or false? A. I did not suppose I cut any on lot 10; I did on 11 and 12.

By Chairman WILDS:

Q. Which you claim to own? A. Yes, sir; I have good ground to think that I do own them.

By Mr. NILES:

Q. Was your contract with Cooper in writing? A. No, sir; it was not.

Q. What was the contract? A. Verbal contract.

Q. What were its terms as you remember? A. It was to put the logs in the Sacandaga river for so much.

Q. Were any number of markets specified? A. No, sir.

Q. Was there any limit as to the number of logs that he should cut? A. No; there was no specified amount.

Q. Was there any specified time within which he should cut? A. Well, he was to put them in in the winter of 1892-93.

Q. Are you certain that the lot numbers were mentioned by you at the time you made that contract? A. Yes, sir.

Q. And are you certain that you have correctly stated those numbers? A. I am quite positive.

Q. Mr. Cooper is equally positive that the lot numbers were 10 and 11? A. I think Mr. Cooper was mistaken; I do not think the man would intentionally do that, but I think he is mistaken in the number of the lots.

Q. Were you present during the time that Mr. Cooper was removing this timber? A. Yes; I was there a number of times.

Q. Were you there during all the time? A. Oh, no.

Q. Did you see the lots after they had been cleared? A. Never did.

Q. Do you know of your own knowledge that no timber was cut by Cooper on Lot No. 10, in the gore between townships 29 and 31? A. I do not.

Q. Do you consider it for the best interests of the State that timber should be removed without any effort being made to ascertain whether the timber is standing upon State land or not? A. I should say it was not.

Q. Do you not consider it the duty of the party proposing to cut timber, to ascertain whether it stands upon lands belonging to the State or not? A. I should think so.

Q. Is it not a fact that it is in the power of any one proposing to cut timber upon Adirondack territory, to ascertain whether it is upon State land or not? A. Well, that would depend upon the surveyor he got.

Q. How—just explain it? A. Well, if the surveyor located it right he would get it straight.

Q. Do you know who the forester is for that section, or was at that time; do you know who the State forester was in that section at that time? A. Mr. Powers, as I understand it.

Q. Did you ever have any interviews with him during the period that you were removing this timber? A. No, sir.

Q. Did he ever state to you that you were removing timber from State lands? A. No, sir.

Q. Did he ever send you any communication to that effect? A. Not to my knowledge.

Q. Did you ever consult with him as to whether the lands from which you were removing this timber belonged to the State or not? A. No, sir.

Q. Do you know whether he was in that vicinity during any of this time that you were cutting timber on either of these tracts that you have testified about? A. I don't know; I heard that he was; I didn't see him.

Q. Can you state from whom you heard he was in the vicinity? A. I do not know as I could; I think it was Mr. Moynihan; but I am not positive enough to say.

Q. Can you state during how long a period you were removing timber from those tracts concerning which you have testified to-day? A. I was two falls and two winters.

Q. That was the falls and winters of 1892-3 and 1893-4? A. I think so.

Q. Was Mr. Powers continuously forester during all that period? A. I could not say as to that.

Q. Have you been upon the tract lots 32, 33 and 34, and 15, 16 and 17 of township 11, Totten & Crossfield purchase, since your work was done? A. No, sir.

Q. Were you upon those lots or any of them at about the time of the finishing of your job there? A. The first winter I was.

Q. Can you state whether or not all the valuable or marketable timber has been cut and removed from lot 34 of township 11? A. I could not say.

Q. Could you say that it has not been cut? A. No, sir.

Q. Do you know whether or not it has been cut? A. I don't know.

Q. Do you know whether or not any timber has been cut from lots 15, 16 and 17 of township 11, Totten and Crossfield patent? A. I do not.

Q. Well, if Alonzo Davis of Johnsburg should state that all the valuable or marketable timber had been cut and removed from lot 34 and from lot 32, and from part or the whole of lots 15, 16 and 17, would you accept his statement as the fact? A. I should presume it to be correct.

Q. And if any cutting was done on those lots it was done by you? A. That I could not say.

Q. Within the last two or three years? A. I do not know of anybody else cutting timber on it.

Q. Do you know of anybody else cutting over lot 10 of the gore between townships 29 and 31 of the Totten and Crossfield patent? A. No.

By Mr. NILES:

Q. Mr. Wakely, if I remember it, you stated that you had not to your knowledge cut any timber on lots 15, 16 and 17 in township 11? A. No, I did not.

Q. At whose instance was the cutting done which you did in the vicinity of lots 32, 33 and 34 in township 11, wherever it was done, at whose instance—for whom were you working? A. For Mr. Moynahan.

Q. You have stated something about some other work—you stated in your examination that you did some other lumbering in addition to what you have testified to? A. In that vicinity?

Q. You stated that you cut some timber, but you could not state on what lots; now, I ask you, for whom did you cut timber in that vicinity, except those lots 11 and 12? A. None that went to the river.

Q. No matter what you did with it — for whom did you cut any timber there except these tracts which you mentioned? A. For Mr. Moynehan.

Q. In some other section which you can not specify? A. Yes, sir.

Q. All the timber which you cut in that country except what was cut on 10, 11 and 12, was cut for Mr. Moynehan? A. Yes, sir, and Mr. De Pan.

Q. Mr. De Pan was supposed to be in partnership with Mr. Moynehan on your first job? A. Yes, sir.

Q. They pointed out to you the portions you were to cut? A. Yes, sir.

By Chairman WILDS:

Q. Have you ever been upon the gospel and school lot in township 32 Totten & Crossfield patent? A. Not that I know of.

Q. Have you ever been upon the gospel and school lot of township 17 Totten & Crossfield patent? A. Not that I know of.

Q. Did you ever do any lumbering directly or indirectly upon either of those lots? A. On 17 and 32.

Q. Gospel and school lots of townships 17 and 32? A. Not that I know of.

Q. Do you know whether the timber on those lots has ever been cut? A. I do not.

Q. Do you know H. G. Locke of Indian lake? A. Yes, sir.

Q. Do you know of his ever having done any lumbering in either of those townships? A. I do.

Q. Do you know where his lumbering was done? A. On the south side of Indian lake.

Q. Wasn't his lumbering done on the south side of Indian lake on gospel and school lots in township 32? A. That I could not say; he had a job over there, but from whom I could not say.

Q. From whom did he have a job? A. I think it was Pat. Moynehan and De Pan, but I am not positive.

Q. Wasn't it Pat. Moynehan and A. C. Hall of Albany? A. I don't know but Mr. Hall did have something to do with that; I never heard his name mentioned; I know he lumbered over there; I do not know any of the particulars.

Q. Was his lumbering done on lands in the neighborhood of where you have done lumbering in that same township? A. Yes, sir.

Q. And was it upon the same tract? A. Same township.

Q. Same tract? A. Same tract.

Q. Well, then, if he should state that his lumbering was done upon the gospel and school lands of township 32 of Totten and Crossfield patent, then your lumbering was done upon the same tract? A. In the same township.

Q. In the same tract — same lot? A. Well, I think that lot that he lumbered on was surveyed out and was separated from the lot I was on.

Q. (Question repeated as follows): Well, if he should state then that his lumbering was done upon the gospel and school lands of township 32, of Totten & Crossfield patent, then your lumbering was done upon the same tract? A. Same township.

Q. And upon the same gospel and school lands? A. That I could not say, because I do not know where the gospel and school lands are there.

Q. Did you lumber over the same lots that he was on? A. No, sir; I think not; my brother could answer more correctly about that.

Q. Of what kind of timber? A. Spruce logs.

Q. What did you take out? A. Spruce and hemlock.

Q. Do you know how much timber he cut from that lot? A. I could not say.

Q. When was that cutting done by him? A. That was done, as my recollection is, in 1892-93.

Q. Do you know Joel Brooks, of Indian Village? A. Yes, sir.

Q. Do you know of his ever having cut timber from gospel and school lot, township 17, of Totten & Crossfield patent? A. No; I do not.

Q. Were you ever prosecuted for trespass on State lands? A. I never was.

Q. Have any of your sub-contractors been prosecuted for trespass on State lands? A. Not that I know of.

Q. Have you ever paid stumpage or any fines, or compromised the same for trespass upon the State lands? A. No, sir.

Q. Or for cutting timber on State lands? A. No, sir.

Q. Are you now engaged in cutting timber in township 32? A. Yes.

Q. Can you locate where your cutting is being done? A. Around the south side of Indian lake.

Q. Well, have the limits of the land over which your cutting is to be done been fixed for you? A. Well, we took a contract to clear the township and cut at their directions from year to year.

Q. From whom? A. From the Morgan Lumber Company, George Underwood and Mr. Moynehan.

Q. Is that contract in writing? A. Yes, sir.

Q. Will you produce it? A. I have not got it here; it is at my home over east.

Q. When was the contract made? A. I think in 1891 or 1892.

Q. And under that contract as I understand you, you have already cut and delivered 60,000 markets? A. Between fifty and sixty thousand as I recollect it; I do not think it would exceed fifty thousand.

By Mr. NILES:

Q. Isn't it a fact that in cutting this timber it is a matter of indifference to you whether the timber is taken from the State lands or not? A. You mean as far as I am concerned?

Q. That is, you do not care whether it is State lands or not you are cutting over? A. Do you mean I would just as soon cut the State lands?

Q. Yes. A. No, I do not, if I knew it.

Adjourned.

LAKE PLACID, N. Y., *August 5, 1895.*

Present: Chairman Wilds, Messrs. Niles, Eldridge, Wagstaff and Ten Eyck.

GEORGE T. CHELLIS, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. Where do you reside? A. Lake Placid.

Q. How long have you lived there? A. Thirteen years.

Q. What is your business? A. I am at present civil engineer and surveyor.

Q. How long have you pursued that business? A. About eight years.

Q. Are you engaged in any other business? A. Merchant here.

Q. Not in the lumbering business? A. Not at present; though I might say I be to; I get in several hundred standards of logs every winter — buy them.

Q. Are you aware of there being State land within North Elba township? A. Yes, sir.

Q. And do know their location and bounds? A. Yes, sir.

Q. And do you also know the location and bounds of the State lands within St. Armand township? A. I am not so very well acquainted over there; but I have been there and done work in that township.

Q. Have you also been upon the State lands in township 24, adjoining North Elba on the west? A. Yes, sir.

Q. Have you also been upon the State lands and do you know the bounds of the State lands in township 27 adjoining North Elba on the west? A. I am not personally acquainted there; I have been through there.

Q. You know, however, of the location of the thousand acre tract on Ampersand pond belonging to the State? A. Yes, sir.

Q. And also of lot No. 1, township 27, on Ampersand pond? Yes, sir.

Q. But your particular knowledge is with respect to the location and bounds of the State lands and the different tracts within North Elba township otherwise known as township 12 of the Old Military tract? A. Township 11 and 12.

Q. Township 11 and 12 of the Old Military tract? A. Yes, sir.

Q. And your acquaintance with the State lands in townships 11 and 12 is extended over how many years? A. Well, I have made a study of it the last twelve years.

Q. And have been engaged in surveying? A. Surveying and lumbering.

Q. Lumbering for your own account? A. Yes, sir.

Q. Upon contracts that you would make with individual owners? A. Yes, sir; and upon my own land; I bought logs and cut them also.

Q. Well, has there come to your knowledge any trespass upon State lands of which you can now testify? A. How far back do you want to go?

Q. Well, beginning with the more recent and extending back? A. Well, there has been to my knowledge very little trespassing upon State lands in this town in the last five or six years; I do not know of but one or two small trespasses, where one of them, I think, a man got over accidentally and the other, I think, the man knew something

about it; that is on lot 218, township 11; that is an undivided two-third lot.

Q. When did that occur? A. The last two years; I surveyed the lot for the Forestry Commission two years ago; I showed them on the map a trespass that had been done at that time and I think it has been continued since.

Q. How recently has it been continued? A. I think last winter there was some.

Q. Has there been any cutting of timber on lot 218, township 11 this year? A. I think there is some.

Q. By whom has that cutting been done? A. By Mr. Wood who owns the northeast quarter.

Q. What knowledge have you of his ownership of any part of that land? A. He has a deed; it was deeded to his first wife and fell to him through heirship at her death.

Q. Didn't she leave children? A. Yes, there were children; I don't know exactly how the title did come in; I see his second wife has posted notices on the lot that she owns it and forbidding people from going in there.

Q. What was his first wife's name? A. I could not tell you.

Q. Do you know when he or his wife acquired any interest in that lot? A. I know about the time; it was about eight years ago.

Q. Do you know from whom she purchased? A. Ellsworth D. Hayes, and he purchased from Oliver Abell.

Q. Well, to what extent has trespass been made there on that lot? A. Well, it has been pretty badly cut over.

Q. Pretty nearly stripped of merchantable timber? A. The northeast quarter has.

Q. Hasn't the lot throughout its whole extent been pretty well stripped? A. No, sir; the southwest quarter is in pretty good shape.

Q. How about the northwest quarter? A. The northwest quarter is pretty much fire slash; some timber on it, but very little.

Q. What do mean by "fire slash?" A. Oh, fire run through there several years ago and it is pretty much stubs now.

Q. What do you mean by the word "slash" itself? A. Where it has fallen down and rotted.

Q. Do you know how many markets have been removed from the northeast quarter of lot 218? A. No, sir; I do not.

Q. And has Benjamin Wood personally removed the timber from the northeast quarter of that lot? A. Well, it has been removed by his family — his boy — and I think he sold some to other parties.

Q. You mean he has sold the right to go in there and cut timber?

A. Yes, sir.

Q. Do you know to what extent? A. No, sir; I do not.

Q. Do you know of any trespass upon any other lots in township 11 or 12? A. I know a slight trespass on lot 360, north half of 360, township 11.

Q. Please look at this map of the Adirondack lands, issued by the Forest Commission; I call your particular attention to townships 11 and 12; does this map correctly indicate the color of red upon the various plots, the lands owned by the State? A. No, sir.

Q. If you have knowledge of the lots which are there, not colored red, which belong to the state, will you state them? A. Well, I could not state them all.

Q. As many as you can, will you? A. In township 11, 318, 338, 358, 357, 337, (three fourths, the northeast quarter, being out) 355, 354, I think; I would not be certain about every one of them; I could have them to-morrow.

Q. Could you have them to-morrow definitely? A. Yes, sir; north half of 360, 132, 131; there is a trespass on that lot.

Q. You will furnish us them with a complete list of the State lands in townships 11 and 12? A. Yes, sir; to-morrow forenoon, ten or half past ten o'clock.

Q. You were proceeding to state trespasses of which you have knowledge? A. I said there was a light trespass on the north half of lot 360.

Q. How recently? A. Last winter, or a year ago last winter.

Q. By whom? A. A man by the name of Hiram Jaquash.

Q. Does he live here in this town? A. Yes, sir; on lot 359.

Q. To what extent was that trespass? A. I presume a hundred standards or a hundred markets.

Q. Tell us of any others that you know of? A. I don't know; there is a little trespass on lot 64 in township 12, Thorn's survey.

Q. By whom was that trespass and when? A. That is by Samuel Armsby

Q. Of this town? A. Yes, sir.

Q. And when? A. Eighteen ninety-three to eighteen ninety-four

Q. To what extent was that trespass? A. About a hundred standards, the same as Jaquash's trespass.

Q. Will you state for the information of the record what a standard is? A. A 22-inch timber log.

Q. Of 13 feet in length? A. Yes, sir.

Q. Are standards and markets synonomous terms? A. I hardly think it; we never speak of them as markets in this section; further south they call a 19-inch log a market; we never speak of them here as so many markets.

Q. What do you do when the log is less than 22 inches; what do you call that? A. If you get enough of them you get a standard.

Q. If you have one 11 inches and another 11 inches, you get a standard? A. No, it takes four of them to make a 22; you square the diameters.

Q. What other trespasses do you think of in this neighborhood? A. Well, I don't know of any other trespass unless it is on lot 131, township 12, Thorn's survey, I think; that is not marked a State lot there.

Q. By whom was that trespass made and when? A. That is by John Welsh.

Q. Of this place? A. Yes, sir; of North Elba.

Q. And when? A. A little every winter, I guess.

Q. And to what extent? A. Oh, I don't know how many standard he has taken off; he claims to have some title in the lot; the State claims it.

Q. In the other cases to which you have referred, excepting that of Benjamin Wood's trespass, was there to your knowledge any claim of interest in the land by the person who committed the trespasses? A. No, sir.

Q. And to your knowledge they went upon the State lands and knowingly committed a trespass there, cutting timber? A. Well, I would not say they went knowingly; I always thought that Mr. Jaquash got over the line unintentionally; Mr. Armsby I do not think did.

Q. Did Mr. Armsby own neighboring land? A. No, sir.

Q. Do you know whether any warning or notice was given to them of their trespass upon State lands? A. Well, I know Mr. Armsby had notice or warning.

Q. From whom? A. Mr. Parker.

Q. Is he a forester? A. Yes, sir.

Q. At this time? A. Not at the present time.

Q. He was? A. He went out the present spring.

Q. And how about the other cases? A. The other case had warning very soon after he got there, Mr. Jacquash, by the forester from Keene, Mr. Frank Parker.

Q. And in the other cases there was no warning given? A. I think not; no, sir.

Q. Do you know whether there has been any prosecutions of any of these trespassers? A. Mr. Jacquash settled with Mr. Parker for his trespass.

Q. For how much? A. I could not say.

Q. Do you know when the settlement was made? A. A year ago; it was in the spring of the year, in March or April.

Q. Do you know what the settlement was? A. No, sir; I do not.

Q. To what extent has the trespass extended on lot 131, township 12? A. Well, I could not say; I have not been over it lately; it has been two or three years ago; it was pretty well lumbered at that time.

Q. To what extent was the trespass on lot 64, township 12? A. A small trespass; a few trees cut out here and there.

Q. What kind of woods have been taken—have the lands been stripped generally of their marketable timber? A. Of spruce; yes, sir.

Q. Hemlock? A. No, sir; no hemlock in this country to amount to anything.

Q. Have you knowledge or information of other trespassers? A. Well, I have knowledge of a man in Averyville cutting logs, and Mr. Parker left them on skids.

Q. What lot was that? A. I cannot tell the number of the lot.

Q. When was it? A. About two years ago.

Q. Do you know the amount of lumber that was cut? A. I do not; I haven't a personal knowledge of that, only as I have heard it talked

Q. Do you know whether there was any prosecution for it? A. No, sir; I do not.

Q. Do you know whether these other cases of trespass, for which no prosecutions were made, were settled for? A. As far as the State is concerned, I think they were; I think that the parties that bought the logs paid for them twice

Q. You think that the State Forester claimed stumpage? A. Yes, sir.

Q. To the extent of the penalty under the statute, \$25 a tree? A. No, sir; I do not.

Q. In each case? A. I do not.

Q. In any case do you? A. No, sir.

Q. If there had been other cases of trespass than those of which you have made mention, do you think you would have had knowledge of them? A. Yes, sir.

Q. You are accustomed in the course of your business to traverse these townships, 11 and 12, frequently? A. Yes, sir.

Q. And know nearly everybody personally, I suppose, who is engaged in lumbering? A. Yes, sir.

Q. In this region? A. Yes, sir.

Q. And so far as you can recall you have stated all the cases of trespass occurring within the last five years? A. Yes, sir; that I know of; I am one of the assessors of the town.

Q. What other town offices have you held during your term of residence here? A. Supervisor, town clerk and assessor.

Q. Will you state the times of your holding these several offices? A. The last three years I have been assessor; three years before that I was supervisor, and from the time that I came here until the time I was elected supervisor I was town clerk.

Q. All in the town of North Elba? A. Yes, sir.

Q. Do you think the laws as they stand are sufficient for the protection of the forests against depredations? A. Yes, sir.

Q. What do you understand the law to be? A. Well, I understand it to be that the State is supposed to get \$25 for each tree that is stolen.

Q. For every tree that is cut from State lands? A. Yes, sir.

Q. And you think that law as it stands is adequate? A. Yes, sir; I think it is; the only thing I would suggest is to enforce the penalty a little sharper.

Q. Have you ever known of an instance of the enforcement of that law as it stands? A. No, sir.

Q. And you have known of hundreds and thousands of trees cut for which that penalty should have been imposed? A. Yes, sir.

Q. And likewise in township 11? A. Yes, sir.

Q. Whose duty is it according to your understanding to prosecute for these trespasses? A. Well, I don't know whose special duty it

is; it is one of those things that is everybody's business is nobody's business; I suppose the firewarden has that somewhat under his charge—should have, at least; he looks after the forests—forester we call him here.

By Mr. ELDRIDGE:

Q. You mean forester, don't you? A. Yes, sir; forester.

By Chairman WILDS:

Q. Have you had personal acquaintance with the forester of this section? A. Yes, sir.

Q. During the time of your residence here? A. Yes, sir.

Q. How frequently have you known of his active service in the discharge of his duty as a forester? A. Oh, I could not say as to that; I see him frequently in this section; he is a man that lives in Keene valley.

Q. Do you think there is a sufficient number of protectors of the forests against depredations? A. No, sir; I do not.

Q. What suggestions would you make as to the number required? A. I think that every town that has much State land should have a forester.

Q. And one resident in the town? A. Yes, sir; I think it would be cheaper than to take a man from Keene or over in Franklin county for this town.

Q. Do you think that the location of the State lands is well known to the residents of this section? A. Generally I do not think it is.

Q. Is there any distinguishing monument or mark upon the bounds of the State land? A. No, sir; there are blazes on trees.

Q. And many of those trees are destroyed? A. I find more marks on logs that are down than I do on standing timber.

Q. Throughout this whole section? A. Yes, sir.

Q. What suggestions would you make regarding the location of monuments or distinguishing marks for the bounds of State land? A. I think they should be put up.

Q. Are the only marks at present existing those of blazed trees? A. Yes, sir.

Q. Are there any notices indicating the land as State land? A. No, sir.

Q. No playcards displayed anywhere? A. No, sir.

Q. Do you think that the penalty for cutting timber upon State lands is well understood? A. Yes, sir.

Q. Calling your attention to township 27, have you knowledge or information of any trespass upon the thousand acre tract? A. I have no personal knowledge of trespass there.

Q. Give us the information that you have? A. Well, I have no information only that I have heard it talked in a general way that there is lumbering there.

Q. By whom? A. Well, by the lumber company that floats the logs down the Racquette river.

Q. Dodge, Meigs & Company? A. Dodge, Meigs & Company.

Q. How recently? A. I do not think I have heard it talked within two years.

Q. Have you known of any cutting of timber actually done upon the thousand acre lot or upon lot No. 1 of township 27? A. No, sir.

Q. And have you known of any trespass upon the State lands of township 24, Harrietstown? A. No, sir; I can not say that I have a personal knowledge of trespass there, though I have been over lumbered tracts there and was told it was State land.

Q. According to this map nearly the whole township is indicated as State land — all but the northeast half quarter? A. Yes, sir.

Q. Have you knowledge or information of any trespass on the State lands of that township? A. No, sir; I would not say that I have

By Mr. NILES:

Q. Is it possible for anyone to inform himself as to the location of State lands in these townships to which you have referred? A. Yes, it is possible.

Q. From whom could he obtain that information? A. From the Comptroller's office.

Q. Is there any local authority from whom he could obtain the information? A. From the assessors of his town; of course, he could not locate the lot — the lines of the lot either from the Comptroller's office or the assessors; the only way to determine that is to have a survey of it

Q. Have the local assessors a record of the State lands? A. Yes, sir.

Q. Are those records furnished by the Comptroller's office? A. Yes, sir.

Q. Now, in your travels through this section have you ever noticed any evidences of lumbering on State lands aside from the particular trespasses you have mentioned? A. Yes, sir.

Q. How extensive has that been? A. Everything that they can reach; the southwest portion of township 11 and the northwest portion of township 12 is pretty well lumbered over.

Q. How extensively is it lumbered over—is it denuded entirely of forest? A. No; it is denuded of market logs.

Q. Have you noticed such evidences of lumbering in any other portions of this section? A. No, sir.

Q. Do you know or have you any information by whom that lumbering was done? A. Yes, sir.

Q. What is your information on that subject? A. Well, it is done by the Amesess, who run a saw mill out on lot 36 of township 11.

Q. How did you acquire that information—is it only hearsay? A. No, sir; I saw them doing it.

Q. At what period was that done? A. Up to within the last four or five years.

Q. Not since that? A. I think not.

Q. Is that the only section in either township 11 or 12 where you have seen any evidence of lumbering and timber having been removed from State lands? A. Yes, sir; that is the only place.

Q. In purchasing logs from other parties, do you ever ascertain from them where the logs have been obtained? A. Yes, sir.

Q. Have you any means of ascertaining where those logs came from? A. Only by going upon their lumbering jobs.

Q. Do you do that in every instance? A. I used to when I was buying logs; I bought logs once that the State claimed; they were marked N. Y.; I cut them up by giving bonds to the State; I never heard anything from it.

Q. Is it customary to mark logs cut upon each tract? A. No, sir; it is customary for the man who buys them to mark them.

Q. You have suggested an increase in the number of foresters and the appointment of foresters residing in the township? A. Yes, sir.

Q. Don't you think that foresters who are appointed for the district where they reside would be too subject to local influence to properly carry out the duties of their office? A. No, sir; I do not.

Q. Do you think that they would be willing to report and prosecute trespasses committed by their neighbors? A. In that case I do not think the neighbors would commit the trespass.

Q. If there was a resident forester? A. In that way I think the advantage would be in favor of the forester.

Q. Don't you have any fear that trespassers might be in collusion with the forester under those circumstances? A. No, sir; I would not say that.

By Chairman WILDS:

Q. Upon what lots in townships 11 and 12, please state them by their numbers, was the timber cut by Ames to which you refer? A. Commencing at 20, 40, 60, 81, 19, 39, 59, 80, 99, 98, 77, 58, 38, 18, 118, 138 in township 11; and 1, 8, 15, 22, 29 and 36 in township 12.

By Mr. NILES:

Q. Do you know whether the Amesese were ever prosecuted for that trespass? A. It was not Ames Brothers; they have recently bought the mill of their father, E. M. Ames.

Q. Do you know whether it was ever brought to the attention of the State authorities? A. No, sir; I do not.

Q. Do you know whether it was ever brought to the attention of the forester? A. No, sir

Q. Do you know the number of standards cut by them? A. No, sir.

Q. Do you know how far this Jacquash cut over his line? A. Well, he cut 15 or 20 rods.

Q. Along his whole frontage? A. Yes, sir.

By Mr. TEN EYCK:

Q. Do you know whether E. M. Ames claimed any title or interest in these lands? A. He did not to the assessors.

Q. Do you know whether he did or not? A. I never heard that he did.

By Mr. NILES:

Q. He was not anxious to pay taxes on those lands? A. No, sir.

Q. Do you think that trespass was done by him without the knowledge of the forester? A. I could not say as to that.

Q. Who was the forester at that time? A. I think Frank Parker was.

Q. Do you think it could have been committed without the knowledge of the forester? A. Oh, yes; it could have been.

Q. Do you not think that it was the duty of the forester to have known of that trespass extending over a period of five years? A. Yes, sir.

Q. Was that Ames trespass during five years? A. Oh, it has extended over 15 years probably.

Q. Previous to five years back? A. Yes, sir.

Q. Previous to 1890? A. Yes, sir.

Q. None since 1890? A. I would not say none; I do not know of any.

By Mr. TEN EYCK:

Q. How long has Mr. Parker been forester here? A. I think, with the exception of about a year, seven or eight years; I don't know but a little longer than that.

Q. When did they cut the most of this lumber? A. I don't know the years particularly.

Q. How did you come to find out that they had cut on this land? A. I surveyed through that country.

Q. Who were you surveying for? A. A man by the name of Merchant.

Q. What was that, to divide his lands from the State lands? A. Yes, sir.

Q. And were you assessor at that time? A. No, sir.

Q. When were you assessor? A. The last three years.

Q. Did you ever notify Mr. Parker that those logs were taken from the State lands? A. No, sir.

By Chairman WILDS:

Q. Who are the other assessors of this town? A. Charles Gough and Francis Merrill.

Q. Who were the assessors previous to the beginning of your term? A. L. S. Parkhurst, C. W. Kennedy and Francis Merrill.

Q. They served for how long? A. Parkhurst has been assessor for about 15 years.

Q. You were elected for what term? A. Three years.

Q. And you are now serving your last year? A. Yes, sir.

By Mr. TEN EYCK:

Q. Did I understand you to say in the beginning of your testimony that there had been a number of trespasses that had not been prosecuted that you had personal knowledge of? A. I don't think so.

Q. That was my impression; may be I was wrong. Do you know of any instances where logs have been cut from State lands, where the forester was notified of the fact, that he neglected to prosecute? A. No, sir.

Q. What do you mean by prosecuting — do you mean collecting the penalty or prosecuting him criminally? A. Well, if he prosecuted them he would collect the penalty; if he settled with them he would make some kind of a compromise.

Q. Isn't a man guilty of a crime punishable under the statutes if he commits a trespass upon State lands knowingly? A. I don't know as to that; he is subject to a fine, I understand that, and it is generally understood that if a man cuts State land he is liable to a fine.

Q. Do you know of any action ever being brought against them? A. No, sir.

Q. Do you think it would be possible to collect a penalty in case of jury trial? A. Not in the cases I have mentioned.

Q. You don't think it would have been possible in the cases you have mentioned to have convicted if an action had been brought? A. It would have been possible to convict, but it would have been impossible to collect the fine.

Q. Why? A. Because they were not worth it.

Q. How about Ames? A. It would be as hard there as anywheres, I guess.

Q. Did this man Ames have any timber land adjoining this land? A. He sold some lots.

Q. Do you know that at the time these depredations were committed these lots were assessed as State lands? A. They have been assessed ever since they commenced to assess State lands.

Q. Were you assessor all this time? A. No, sir; I was town clerk.

Q. Had you examined the records to see? A. Yes, sir.

Q. You made it your business to look it up and see whether those were State lands? A. Not those particular lands; the State lands have changed very little since I came here.

Q. In this particular instance, after you saw there were depredations committed there, did you look them up to see whether the State owned them or Ames owned them? A. No, sir.

Q. Then when you say that the State owned them and that he didn't pay taxes you are speaking from your impression — you are not positive about that? A. No, I am not positive; I would not swear to it.

By Mr. NILES:

Q. You know, however, that the lots, the numbers of which you have stated in your testimony, located in the southeast corner of

township 11 and in the northeast corner of township 12, as having been lumbered over by Ames, were assessed to the State? A. Yes, sir.

By Mr. TEN EYCK :

Q. When? A. I think it has been the past 12 years.

Q. How do you know they were assessed to the State? A. Only from my knowledge of the assessment-rolls.

Q. Have you examined the assessment-rolls? A. Not to those particular lots.

Q. Then how can you say they were assessed to the State? A. I can say they were assessed to the State because I have assessed them to the State for the last three years, and there has been no particular change in the State lands; the State has not sold any land in this section for several years.

Q. Nor has not acquired any because of the non-payment of taxes by any individual? A. Yes, sir; they have acquired some.

Q. Do you know whether these lots were acquired? A. I could not say positively.

Q. That is acquired subsequent to the time of the alleged cutting of timber? A. No, sir.

Q. How has the forester in this district performed his duties; has he been vigilant, in your opinion, or has he been rather lax? A. He has been, I think, fairly good; I think he has been as good as the average — vigilant in looking after things.

By Mr. WILDS :

Q. What is your opinion as to the wisdom of restrictions against the cutting of any timber whatsoever upon the State lands? A. I think that is the only way to save them; if you allow them to cut the ripe timber, or any at all, they will lumber just as they like.

By Mr. TEN EYCK :

Q. What has become of this man E. M. Ames? A. He is over there.

Q. Do you know whether they cut it or somebody else cut it and sent it to their mill? A. I don't know.

Q. You know the lumber was cut at their mill? A. I don't know as it all was. It might have been floated down the Saranac river.

Q. You don't know whether they cut the timber? A. I don't know whether they cut all of it.

Q. Did they cut any of it? A. They cut some of it; I asked them where they lumbered and he said he was lumbering up east of his place or south—

Q. And he did not own any land in that section himself? A. He owned lot 37 and lot—

Q. Were those lots up in the direction which he told you he was lumbering? A. No, sir.

Q. Is there any timber on those lots now? A. The soft timber has all been removed.

By Mr. WILDS:

Q. What do mean by soft timber? A. Spruce and pine.

Q. When the soft timber is cut does hard timber grow in its place? A. Not as a general thing.

Q. I thought that was the course of nature? A. When the soft timber is cut out you get a crop of pin cherries.

Q. And when that is cut out what do you get? A. Raspberry bushes.

By Mr. TEN EYCK:

Q. Do you know of any cases where Mr. Parker had any notice of depredations that he did not prosecute the people? A. No, sir.

Q. Do you know of any cases where he did prosecute? A. I know of cases of settlement.

Q. Has he done that in all cases where he had knowledge that there were depredations, so far as you know? A. He has, so far as I know.

Q. Do you know of any forester that has neglected to prosecute whether it is here or elsewhere? A. No, sir.

By Mr. WILDS:

Q. Who is the present forester of this town? A. There is none in this town.

Q. Who are the foresters? A. Mr. Littlejohn, Mr. Bibbie, of Minerva, and Mr. Morrill, of Plattsburgh

Q. How far do they live from here? A. It is about 25 miles to Littlejohn's and 100 miles to Mr. Bibbie's.

By Mr. TEN EYCK:

Q. Who is the man that is supposed to attend to the depredations in this locality? A. I don't know; they are both men who were appointed this last spring.

By Mr. WILDS:

Q. Have you ever seen any of them in this locality? A. Not in this locality.

Mr. TEN EYCK: That is, the new appointees.

Q. What is the character of the existing timber in these townships 11 and 12? A. I have lived in this township 13 years; I have made a study of the entire township and have been upon almost every lot in the township and know the location of all the lots; I can go upon any lot in the town; I have made a study of the timber, looking it up; while I was in the lumber business of course I was interested; looked at every lot I went on; looked the timber over, and I find that that statement that this gentleman made, that the timber was practically exhausted in this town on State lands is far from the truth; there are very few lots, with the exception of the southwest and northwest corner of those two lots of township 11 and 12—there is a section there of two or three miles square that is practically cut over; aside from that the State land is well covered and well timbered here with the original timber.

Q. You look upon the forests in this section as a primitive forest? A. Yes, sir; lots 338, 330, 337, 357 were lumbered over some years ago, but they have got an excellent growth of timber on them again.

Q. That is in township 11? A. Yes, sir.

Q. That is as good as primitive timber? A. Yes, sir; for the purposes of the forest it is just as good; it is not as large; in ten years more it will be a good crop of logs, probably as many as there were originally; they are very nice, straight timber growing up there after those old and large trees were taken out; the private lands in township 11 have been pretty badly lumbered; those Plattsburgh lumber companies up to within four years floated them down the Saranac river; all this valley off east here on this side of the mountain there never has been an axe in; it is beautiful timber; a little section up at lots 133, 140 and 147, up in township 12 over near the Keene mine in through there, there has been some lumbering done.

By Mr. TEN EYCK:

Q. In your opinion what do you think about taking out the fallen and dead trees; do you think it is better for the land to have those taken out, or do you think it is better for the forests to allow them to remain there and rot? A. I think it is better for the forests to let

them be there; you can not take them out unless you have an overseer that is right over them.

Q. If it could be done without cutting the new timber, what do you think about it? A. I do not think it would pay to take them out; I never got into a section yet that it would pay to make the roads to take them out; for the good of the forests I think they had better be left there.

Q. Because they serve to enrich the ground? A. Yes, sir.

Q. And to hold the moisture? A. Yes, sir; they decay very quickly

By Mr. NILES:

Q. How quickly do they decay? A. Well, in ten years they are pretty well gone.

Q. Does that apply to hard timber as well as soft? A. Yes, sir; hard timber will rot quicker than soft.

Q. About how quickly? A. Of course all traces are not lost for a number of years, but in eight or ten years it is so you can kick it apart with your foot.

By Chairman WILDS:

Q. How old are you? A. Forty-three.

Q. How long have you been engaged in lumbering or in work in study of the forests? A. Well, I have been working wood for the last 25 years.

Q. By that you mean what? A. Carriage maker—turner.

Q. Up to what time? A. Up to 13 years ago.

Q. During the last 13 years you have made a particular study of the forests of this section? A. Yes, sir.

Q. So that you have a personal acquaintance with the woods upon the lots throughout townships 11 and 12? A. Yes, sir; I think I have got a better knowledge of the lots in this town than anyone else.

Q. Have you been employed at all by the State as a surveyor? A. Yes, sir; I am employed now by Mr. Colvin.

Q. To what extent? A. I have had jobs almost every year.

Q. For the location of State lands? A. State lands and two or three trespass cases, and locating the Saranac lake when they were taking the stumps out there.

Q. What trespass cases have you in mind now? A. Lot 199 and lot 218, township 11.

Q. Do you think of any others? A. That is all the trespass cases.

Q. Has the White Face Mountain tract been cut over at all? A. Yes, sir; lot 1 has been cut most entirely.

Q. That is owned by the State jointly with who? A. A Miss Carter of Plattsburgh.

Q. Mr. Chellis, we would be glad to have any further information from you that is pertinent to this inquiry? A. The whole of township 12, Richards' survey, with the exception of lots 14, 41, 42, 44, 1, 8, 9 and 16, is an unbroken forest; lots 37 to 119, of Thorn's survey, North Elba, township 12, has been lumbered over; the westerly half of lot 1 and the whole of lot 6 of the White Mountain tract has been lumbered over.

MARTIN FLANDERS, being duly sworn, testified as follows:

By Chairman WILDS:

Q. What is your place of residence? A. I reside in the town of North Elba.

Q. We are told that you have cut timber from State lands; will you state what the facts are? A. Well, I suppose that I have; I have lived in this town but a short time and know nothing about the boundaries of lots, but I cut timber from 218, a part of which is called State land, under a contract with Mr. Parker; a road runs right through that lot from here to Saranac, and it is handy to get wood and some dead wood very near the road; I had a contract with Mr. Parker to pay him two shillings a cord; that is, a cord of wood 8 feet long, 4 feet high and 4 feet wide; it must be cut from dead standing or dead down timber or live down timber — anything that was down, but no growing timber was to be cut; it was to be cut on this disputed quarter that Mr. Wood claims, and I cut about five cords of wood and Mr. Wood came to forbid me from removing it; it was right close to the line that Mr. Chellis had surveyed; he said the wood was his and forbid me from taking it away; and so to satisfy him I told him I would see Mr. Parker and have him divide that lot; he said that Mr. Parker had agreed to take out the one-third that belonged to the State; I told him that I would not pay Mr. Parker for what I had cut until they had made a division of the lot, and if that fell upon his part of the two-thirds of the undivided quarter I would pay him; and if it was on the part owned by the State I would pay it.

Q. Have you ever paid the State? A. I never paid anything.

Q. How much are you owing for the wood that you cut? A. I think I have it down; I think it was about five cords of four-foot wood that would be \$1.25.

Q. Did you ever do any other cutting upon State land? A. Yes, sir; that same lot Mr. Henry Stevens cut some stove wood on.

Q. Which same? A. On the quarter that belonged to the State.

Q. Of lot 218? A. Yes, sir.

Q. State what you did? A. Not that I did; Mr. Henry Stevens did; you asked me if I knew of anybody and I said that Mr. Henry Stevens had cut upon the undisputed part of 218.

Q. When was that cutting done? A. A year ago last winter.

Q. To what extent? A. I should think he cut perhaps 10 cords of down dry wood.

Q. Did he have any leave from anyone? A. Yes, sir; he had leave from Mr. Parker and paid him for it.

Q. Has Mr. Parker ever demanded settlement from you? A. No, sir.

Q. Did you personally ever cut over any other State lands? A. No, sir.

Q. Other than has been now testified by you? A. Yes, sir.

Q. Where? A. I cut about twenty standards of logs on the State land of 218.

Q. When was that done? A. A year ago last winter.

Q. For yourself? A. Yes, sir; it was all down timber; nothing standing.

Q. Were you ever prosecuted for that cutting? A. No, sir; I had a contract for that cutting.

Q. With whom? A. Mr. Parker.

Q. What was your contract? A. It was to cut the down or dead standing logs at 25 cents a standard.

Q. How much are you owing for that cutting? A. It would be \$5.

Q. Have you ever done any other cutting? A. No, sir; you asked me about knowing about others; I would say that Mr. Stevens cut logs under a similar contract; I think he measured up 40 or 41 standards, and he paid for them at 25 cents a standard.

Q. Do you know that he paid him? A. No; I did not see him do it, but I heard Mr. Stevens say he had; I saw Mr. Parker measuring the logs and I heard Mr. Stevens say since that he paid him for them.

Q. All this cutting was done in the winter of 1893 and 1894? A. Yes, sir.

Q. Was it in the year 1894? A. Yes, sir; the latter part of the winter.

Q. Have you knowledge or information of any other trespasses upon State lands? A. No, I have not.

Q. Within this township? A. No, sir.

Q. How long have you lived in this town? A. Well, I have been here only about two years.

Q. Where did you come from? A. I was in the town of Black Brook, county of Clinton, before I came here last.

Q. Have you any knowledge of any trespasses on State lands in the town of Black Brook? A. No, I haven't any personal knowledge; I have no knowledge.

Q. Have you any information of any? A. I have heard a great deal about it, of stripping the State lands down there.

Q. How much of the town is cut over? A. Almost entirely.

Q. Denuded of timber entirely? A. Yes, sir; the Rogers Iron Company works is located there and make charcoal.

Q. Located at Silver Lake? A. Located at Ausable Forks and at Black Brook; their coal kilns are located at Silver Lake.

By Mr. NILES:

Q. Did you cut any green timber upon this lot 218? A. No, sir.

Q. Did you understand that Mr. Parker had any authority to make a contract with you for cutting the dead wood? A. Nothing only what he said; he said he had, and I have a contract at my house signed and sealed and will show it to you if you would like it.

Q. Do you know that he has made contracts with any other parties in this vicinity for cutting dead wood on State land? A. This was a written contract and he said he was expecting blanks nearly every day, and that he had so many contracts that he could not write one out for everyone; my contract ran until the first of January this year, and he came last fall and notified me that I must not cut any more, that they had changed it.

By Chairman WILDS:

Q. Was your contract an indefinite one as to the quantity you were to cut? A. Yes, sir.

Q. Were any measurements taken of the quantity you did cut? A. Yes, sir.

Q. Well, what evidence is there as to what you did cut? A. I had the wood cut and it was to be measured and paid for before removing, and the wood was cut and I waited a long time for him, and finally I saw him at Ausable Forks and told him I had some cut but that it was not much, and told him I would like to have him measure it so I could move it; and finally he said: "If you have not got much cut you measure it yourself or have George Stevens," and I did so; they were to be measured on the skids; he went by here and I asked him twice to measure the logs and he was in a hurry and did not do it; and finally I saw him again and told him I could not let those logs go until sleighing was over, and finally he said that if he did not get around for me to measure them and take them along; so the fact of the case is that he never measured them.

Q. Did you measure them? A. I did.

Q. And what were the measurements? A. There were twenty standards of logs and I also have a bill for the sawing; Mr. Chellis knows what it takes; I knew that and I knew there would be no trouble with Mr. Parker, because everybody knows what it takes to make a thousand feet of lumber.

The committee then adjourned to meet at Schroon Lake, N. Y., Thursday, August 8, 1895.

Meeting of the committee at Schroon, N. Y., Leland House, August 8, 1895.

FREEMAN N. TYRRELL, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. Where do you reside? A. At Schroon Lake.

Q. What is your business? A. Saw mill business—lumbering.

Q. How long have you been engaged at that business? A. Since 1865.

Q. Here in this place? A. Yes, sir.

Q. Did you hold any public office? A. No, sir.

Q. Have you at any time ever held any public office? A. Yes—that is, town office.

Q. What office have you held? State the offices held and the times thereof? A. I think I held collector; I would not be certain as to the time, but think the year 1870 or 1871; I think I was supervisor

in 1872, 1873, 1874, and 1875; I think I held supervisor three years; I have been excise commissioner.

Q. When? A. My time was out two years ago; I held it three years.

Q. Are you pretty well acquainted with the various tracts of land in this neighborhood? A. Yes, sir — not so well either, but through this town very well — in the West Road Patent.

Q. Not outside? A. No, sir.

Q. That patent is confined to this town? A. Yes, sir, Hudson — Paradox Tract too; that is out of the Park; the state owns some land there.

Q. Do you know the location of the State lands in this neighborhood? A. In this town?

Q. Yes. A. Well, a good deal of it.

Q. Where is it located? A. There is quite a little in West Road patent; I guess there is very little in Road patent; there is very little — not much.

Q. Tell me the quantity and location of the State lands. A. That I could not do.

Q. You have been upon the tracts? A. I have been upon them more or less.

Q. So give me your best information as to their location and the character of the timber existing upon them? A. You want them by numbers?

Q. As nearly as you can? A. Well, West Road, the smallest number I know in West Road is 47; that is a State lot, mostly burned over; perhaps there is one-quarter of the lot that is timbered with spruce.

Q. How old? A. Oh, there is spruce there that will cut fifteen inches on the stump and from that down small, but mostly a fair run of spruce there that will cut most 12 to 15 inches on the stump; quite a nice clump.

Q. Is that the only marketable timber on the lot? A. That is the only timber; there may be some balsam fir, but mostly spruce.

Q. Proceed with your statement? A. The State owns half of 71 and 72, and 85 and 86 which are called railroad lands; 71 and 72 have been lumbered.

Q. Cleaned out completely? A. No; there is timber on them, but the best part of it has been taken off; there is a small share of what we call first growth spruce; 85 and 86 about half of the lots have been burned over; you would probably get about one-half of the lot that you would get spruce timber on — good fair timber.

Q. How old? A. What we call first growth; I was across that last fall; I was looking at Mr. Finch's lot, and in going there crossed over State land, 95 and 96 I supposed was State land, but I learned since that they were not.

Q. What is the character of the timber on those lots? A. Mostly second growth; the State owns 65, 67, 89, 90 and 91; there is no marketable timber on those lots; it is mostly hard wood timber; it has grown up a second growth, mostly poplar and birches; it has been burned over; 129 West Road was burned over last year; I owned that lot once and let it go back to the State; there is no timber on that that is worth anything; the State owns 134; it has been lumbered and all the timber cut out that is worth cutting; if there is any on it it is second growth; as I understood it they owned a share of 135, that is, the State.

Q. Are those numbers here on this map that you have been referring to (showing witness map of the State lands issued by the Forest Commission)? A. Yes; 67 is burned over; 89, 90 and 91 have been burned over, and 65 has been cleared—that is, what we call cleared—the timber taken off; 93 and 94 have been lumbered; 112 and 113 have been lumbered; 117 and 120 have been lumbered; 117 has been burned over; there is a second growth, not very tall.

Q. All the soft timber taken out? A. Yes; there may be a second growth; where there is nothing worth taking off for logs we do not call it timber; 138 and 139 were spruce, but most all of the marketable timber has been cut off from them.

Q. Lots on the Blue Ridge numbers 33, 34, 35, 36, 37, 38, 39, 40, 47 and 43 are all State lands and have been lumbered over? A. Yes; yes, it is some 25 or 30 years since I looked in there; it has all been lumbered and a share of it burned over.

Q. Lot 135, Paradox tract? A. That has been lumbered and burned.

Q. Eighty-eight, eighty-nine and ninety-five, Paradox tract? A. Eighty-eight, I don't know that lot; there is a little hemlock timber on those lots; 148, 149, 165 and 166 were lumbered by Finch some 12 or 15 years ago; then a fire got in there and burned them over; I do not think there is any timber there; 95 there is a little timber on; 185 there is no timber on; there is a clearing there; there hasn't been any timber on it for 30 years; lot 81, I have been on that; I was on the lot a year ago.

Q. In the Hoffman township, what lots are you familiar with there?

A. There is some timber on Lot 7, and 8 has been lumbered and 9

and 10; there is some timber on 20; 23 has been lumbered; there is nothing on that except swamp—small timber; 18 there is quite a good cut of hardwood timber, and some spruce and hemlock; this lot was lumbered over some 25 years ago; the State owns half of 11; that has been lumbered; that is a good hardwood lot; 3 I don't know anything about.

Q. Are those all the lots you know anything about? A. I think so, that belong to the State.

Q. Have you knowledge or information of timber having been cut from any of these State lands to which you have referred? A. Nothing more than where they would be crossing to draw logs—cutting out for roads.

Q. How recently? A. I can't say whether some were cut out last fall or not; or whether there were any trees blown down or not.

Q. Haven't you heard of any trespasses on State lands? A. Not that I recollect now; not in that part.

Q. Upon any of these lots that you have referred to? A. Not that I recollect now.

Q. Are the bounds and locations of the State lands well known to the people? A. Well, that I could not say; a man might say, "I know your line;" and that the line runs so and so; I find that many times these hunters will tell you, and they will tell you where such and such a line is, and they will go in there, but you don't find it; but, as a general thing, the lines in West Road are marked very plain; they are mostly on spruce.

Q. You yourself know the location of State lands just as well as you know the location of trout brooks in this section? A. I know them better, because I never fished in a trout brook; where I have been I have found it very easy to find the lines of most of the State lots.

Q. Well, what care is taken to avoid trespass on State lands? A. Where a man is lumbering next to it?

Q. Yes. A. Well, the man that I know lumbering next to it would get a man who is used to surveying and run his line out; he would find witness trees or sight trees—that is a place on the tree and three hacks made by Webster; that is the way we done; we found our corners and everything all right, and Mr. Whitney told his men that he would rather leave two trees on his land than take one from the State and more; I do not think he would take a State tree; I followed through afterwards and did not find a tree cut.

Q. On what lots has he cut? A. He was cutting on lot 59, West Road tract, 47 lines north of it and I was with Mr. Finch's man running through there to get a point of compass running through on 58 to run a line through, and we found the line very plain; there seems to be a line about 18 rods, I should say — it may not be so far, but we found it on 47; a man that used to live here says that is the original line; running through we struck a corner and turned to the point of compass, was all right, and we followed through and Whitney stopped and said he knew that was the line; there were two lines there.

Q. Has your cutting of timber been in any respect under the supervision or direction of any of the foresters, so far as the State lands are concerned? A. No.

Q. Have you known of any scrutiny or care taken by any State official for the protection of State property against trespass? A. Yes, I think the State officers have been through here looking; Mr. Parker has been, I think; he has been through here, but what his business was I don't know; he went into the woods.

Q. What Parker do you refer to? A. I think his name is Parker.

Q. Thomas Parker? A. I could not give you his given name; I may be mistaken about it; he was looking over the lots I sold the State.

Q. What Parker do you refer to? A. He lives in the North — North Elba.

Q. What office does he hold? A. That I could not tell; they told me that he was the man that looked the lots over that the State bought; I do not know what his given name was or what the office he held.

Q. When have you seen Mr. Parker in this neighborhood? A. He was here three years ago; he was looking at these lots, trying to locate them; I could not give the year; it might have been three years ago; I could not swear positively as to that; it was nothing that I cared anything about; I heard he was here trying to locate a lot; I never knew his business; a man by the name of Powers used to come here every little while; I do not know what his business was; I supposed he was one of the Forest Commission.

Q. Have you never had any knowledge of any trespass upon any of the State lands? A. It would not amount to anything; the man is dead that cut it; a man by the name of Fowler cut some on 134, but not to my knowledge; I did not go and look at it.

Q. When was that? A. That is as much as fifteen years ago.

Q. Is that the only case of trespass that you have any knowledge of? A. That is the only case that I have any knowledge of that I can recall to memory now; I do not know of any; what I have heard by hearsay would not be evidence; it was not in this town, either; in Paradox on 95 (they said it was 95), a man by the name of Herrington and Parker claimed to have bought some timber from a man by the name of Buck, but they found he did not own it; Trumbull was State agent; the State agent took the logs from them.

Q. How long ago was that? A. All of fifteen years.

Q. Well, have you known of any recent trespass on the State lands in this neighborhood? A. No sir, I do not know of a case.

Q. Have you ever known of a prosecution for trespass? A. No.

Q. Have you ever known of a compromise for trespass? A. Not to my knowledge; hearsay is no evidence; I heard that Fowler compromised with one of the agents; whether he did or not I never knew the truth of it; in fact the people of the town thought they could buy timber cheaper than \$25 a tree on State land; that is the law as they understood it and I understood it; they were very careful about getting over.

Q. Have you ever known Thomas Powers? A. I know him by sight and have some acquaintance with him.

Q. Have you ever had any business relations with him? A. No, sir.

Q. Has he ever given you any license to enter upon any of the State lands for any purpose whatever? A. No, sir; never.

Q. Have you known of his giving a license to anyone to enter upon State lands for any purpose? A. No.

Q. Have you any information of any timber cutting under any alleged license from Thomas Powers or from any other persons on State lands? A. No, sir; not without it is Trumbull; he sold that timber.

Q. That is on lot 95? A. Yes; the fact is they had cut the timber all in good shape and piled it and he took it away from them and sold it; they were out the work they had done; all the talk I had with Powers was that I owned some lots in the State park and I did not know but there would a time come when I would cut there, and I thought there might be some land owned by the State outside of the park that I could trade for.

Q. When was that? A. Two years ago.

Q. And what was done? A. He said there might be, but there was nothing to be done then; he said there might be a time come when

they would trade, but he could do nothing then; a man by the name of Young could tell you more about the Hoffman township than any man I know of.

Q. What is his name? A. John F. Young of Hoffman's, about six or seven miles from here.

Q. Do you think if there had been trespass upon any of the State lands in the West Road patent that you would have knowledge of it?

A. I would on the east side of the ridge here, with the exception of 33, 34, 35, 36, 37, 38, 39 and 40; those I could not say because they are further north than I go, but the other lots I have been over almost every fall, all through there, what we call the east side of the Blue Ridge.

Q. Would not any trespass on State lands be a matter of notoriety and common report in the locality? A. I should think so.

Q. Would it be possible for anyone to lumber to any considerable extent upon State lands? A. I would not think it would be.

Q. Without the matter being known? A. Oh, no; there are gum pickers in there that might once in a while cut a gum tree; that we would not call a trespass; I know I don't when they go on my lands.

Q. Do you know of an attempt to cut off the small timber for wood pulp? A. Oh, no.

Q. From the State lands? A. No, sir; there has been none cut only that that has been in the river; if there had been any cut I would have known it; there is no outlet on the other side.

Q. On this side it would all go into the Schroon river? A. Yes, sir; and the other way it would all have to go into Schroon lake.

Q. And you know that there has not been any? A. Yes, sir; I know there have been no trespasses; if there have been it has slipped my mind; but I know there has not been for 10 years, because I have been lumbering in here more or less for 10 years.

Q. Do you know anything about the timber existing upon the State lands north of the Blue Ridge? A. No; not well enough to locate the lots.

Q. Lots 19, 20, 21, 7, 10, 11, 3 and 4? A. No, I could not; my impression is that it has all been burned over through there; there was a big fire through there; the north side of the Blue Ridge is all burned over; I am not well acquainted enough there, however, and I could not tell you as to that.

Q. I suppose you have knowledge of the penalties attached under the existing statute as to trespass upon State lands? A. As I understand it, it is \$25 a tree.

Q. Have you ever known of the enforcement of that statute in any case? A. Not in this section; I heard of parties coddling over west here about settling with the State officers.

Q. Do you think the State lands have adequate protection against trespass? A. Well, I could not answer all through the county as to that; in this town I do not think there is any trespassing on State land; still it wouldn't do any hurt to have a man look it over a little more.

Q. Do you think much care is taken by individual owners adjoining State lands against trespassing upon State lands? A. Yes, sir; I do as far as I know.

Q. Is there any fear of prosecution for trespass? A. Yes, sir.

Q. Who is there about who would know anything about a trespass? A. Well, there is but very few men but what know about trespass upon the State lands; they are all pretty well acquainted with the State lands; I don't know one man more than another; Mr. Pitkin here is an assessor and knows pretty well about State lands; I don't know but his knowledge is from hearsay; still he has been in the woods a good deal, but hunters would be looking for game rather than landmarks.

Q. Is there anybody about whose business it is too see that there is no trespass? A. I do not know of anyone.

Q. Were you ever interfered with in any of your lumbering? A. No, sir; never; I have always been ready at any time the State officer came around to the lot.

Q. Have you any suggestions to make in reference to the better protection of the State lands against the possibility of trespass, cutting of timber or other depredations? A. I could not suggest anything better than that you have a man in each town.

By Mr. NILES:

Q. In all of your travels, haven't you seen any State land upon which depredations have been committed? A. No, sir; except where the timber had been taken off prior to the State ownership.

The CHAIRMAN: That is all, Mr. Tyrrell.

MYRON C. PITKIN, being duly sworn and examined by Chairman WILDS, testified as follows :

Q. Will you state where you reside, and what public office you hold and have held for the past year? A. I reside in the town of Schroon ; I have held almost all the offices in the town.

Q. How long have you resided here? A. All my life, except six months or a year at a time.

Q. State the offices you have held and the time thereof? A. I do not know as I have got it in my memory so that I could ; in the first place, I was town clerk ; I can't give you the year, but it was somewhere 18 or 19 years ago ; I was appointed first, and then I was elected for a term ; I think in 1884 or 1885 I was elected supervisor, and again in 1889, it strikes me, for a term each time ; a year ago I was appointed to fill a vacancy for supervisor ; I was elected, but did not serve, as justice of the peace ; I am a notary public now.

Q. How long have you been assessor of this town? A. I have been assessor about six years now.

Q. Well, in the course of the discharge of your duties in these various offices, have you become familiar with the location and bounds of the State lands? A. I know pretty well, yes, about where they lie.

Q. Can you furnish a complete list of the State lands within the bounds of this town? A. Well, you mean by lots?

Q. Yes. A. I could not give you all the lots ; I could give you in each patent, for instance, Hoffman township and West Road patent, — about where they lie ; that is the nearest I can give.

Q. As an assessor, have you any records of the location and numbers of the lots belonging to the State? A. I have ; yes, sir.

Q. And will you furnish such? A. I will ; yes, sir.

Q. Have you been upon the various State lots around this neighborhood? A. No, sir ; I have not been upon all of them.

Q. Have you been upon any of them? A. Quite a few of them around the borders ; I can describe to you where they come among the resident lots here ; where they lay back in the bodies of the hills I have never gone over them ; one lot here in the West Road patent — No. 7 — the inhabitants own around it.

Q. Is the location of the State lands in this town a matter of common knowledge? A. Yes, sir ; I presume so ; that is, the people know ; you mean, where they lie?

Q. Have you any knowledge of any trespass upon any of the State lands? A. No, sir ; not for years.

Q. Is it your opinion that those cutting timber upon private property have a care against trespass upon the adjoining State lands? A. I believe so; I will tell you why; we have not much timber in the town; Tyrrell & Whitney are about the only men that are lumbering and I do not think the State owns any timber in the Schroon tract; Whitney is a very careful man as a general thing and Tyrrell I think would be the same.

Q. The Tyrrell whom you refer to is the gentleman who has just testified? A. Yes sir.

Q. Then I presume you have no personal knowledge of the character of the existing timber upon State lands in this town? A. Yes, I have quite a knowledge; you take lots up here in the south part or on the east ridge of the brow of Blue Ridge near lot 120 and 119 and along through there, and 121, I guess they are all lumbered; then the lots on top of Blue Ridge are covered mostly with spruce; some of it is good timber; when you get over on the north side then it is lumbered up pretty nearly to the top—that is, in the town of North Hudson.

Q. Who is the forester in this section? A. Well, the forester now, as I understand, is Robert Bibby, appointed this fall.

Q. Who was his predecessor? A. Thomas Powers, I believe.

By Mr. NILES.

Q. Is there any marketable timber left on any of the State lands in this vicinity? A. Yes, there is some on Blue Ridge mountain; some other lots have got a little; most all of the lots it would pay to get timber off were cut—the first growth was cut off.

Q. What percentage would you say you know have any marketable timber upon them? A. I should not think there was over—from my information—there are five or six lots that have got a great deal—that is, you mean spruce and hemlock—soft timber?

Q. Yes. A. I should not think there were over six or eight lots that have got timber on.

By the CHAIRMAN:

Q. What are the numbers of those lots? A. I cannot give you them; (referring to map) it is a pretty hard matter to remember these lots; I remember them more from the assessment; I do not think I am able to give you them from my memory.

By Mr. NILES :

Q. How are the State lands marked ? A. In what respect — colors?

Q. How are the lots marked ? A. I do not consider that the lines are very plain.

Q. Were the lines run sometime ago ? A. Yes, sir.

Q. What is their present condition ? A. Poor, I think.

Q. Almost obliterated ? A. Yes, sir.

Q. What was the mark—blazing of trees ? A. Yes, sir ; what makes it a little difficult, there is a good deal of trapping through this section and they always blaze the trees and it makes it difficult to get all the lines.

Q. Are those blazes the same ? A. I don't know as they are all the same ; I think they are about the same.

The committee then stood in recess until eight p. m.

The committee resumed its session.

DARIUS B. SQUIRES, being duly sworn and examined by Chairman WILDS, testified as follows :

Q. What is your place of residence ? A. Town of Schroon, Essex county, N. Y.

Q. What is your business ? A. Well, I don't know what you would call it ; it ain't much of any profession ; you may call me gardener or call me what you please ; I don't work but very little.

Q. How long have you lived here ? A. Well, more or less for the last 50 years ; I have lived in other places.

Q. But most of the time here ? A. Yes, sir ; most of the time.

Q. And you are pretty well acquainted in this section through Warren, Hamilton and Essex county ? A. Yes, quite ; more in Hamilton than I am in Warren ; still, I am pretty well acquainted in Warren county.

Q. Have you held town or county offices ? A. Yes, sir ; I have held town offices and county too ; I ran for justice of the sessions.

Q. How long have you held that office ? A. For the last year.

Q. What town offices have you held ? A. I am justice of the peace, a constable and I have been inspector of election in this town ; in other towns I have had more offices ; I suppose now you are talking about Schroon.

Q. Well, anywhere in this neighborhood? A. I have been justice of the peace in Hamilton county; I have been overseer of the poor; I have been assessor; commissioner of highways, and inspector of election; I think that is all.

By Mr. ELDRIDGE:

Q. What town in Hamilton county? A. Long Lake.

By the CHAIRMAN:

Q. Do you know Martin L. Allen of the town of Schroon? A. I know Martin Allen; I do not know whether his name is "L." or not.

Q. Who is engaged in the lumber business? A. Yes, sir.

Q. Did you visit with him the town of Long Lake, in Hamilton county? A. I did, sir.

Q. In the fall of 1894? A. I think it was.

Q. Will you state the circumstances of your visit, its objects and what you did there? A. Yes, sir; I went over to see my relations; I rode in with Mr. Allen; we have got people living there; I was visiting around amongst my friends; going in there I said to him "Mr. Allen, there are very sharp people in that town; I have lived there, and you will get bit, may be, if you are not pretty sharp." He said, "Why?" "Why," I says, "like as not they will put you on State land, and if they do you will have trouble and you will have to pay for your timber;" Mr. Allen told me that he was looking for the second tier of lots west of Long lake, and I told him to be very careful and not to get on State land; I examined the town map and found that the second tier of lots west of Long lake belonged to the State, and I informed Mr. Allen of the fact, and even carried the map to him and showed it to him myself; Mr. Allen said he would not have anything to do with it; Mr. Allen told me that Mr. Powers told him that the State owned only one tier of lots there; I hear Mr. Powers tell that afterwards.

Q. You heard Thomas Powers, the forester, tell Martin Allen that he thought the State did not own more than one tier of lots west of Long lake? A. Yes.

Q. In township 21 of the Totten & Crossfield patent? A. Yes.

Q. Do you remember the numbers of the lots? A. No, I do not think I could tell now, without looking.

Q. Can you by referring to the map? A. I think I could.

Q. Will you state whether or not from that map you recognize that the lots upon which Mr. Allen said he might have a job at that time were lots numbers 61, 62, 63, 64, 65 and 66 of township 21, Hamilton county, Totten & Crossfield patent? A. Yes, sir; it was on some of those lots (indicating map); I can't tell which ones; I could not locate any lot there; he said he was going to look over this tier of lots one tier back from the lake — that is, after you leave the State land; and he was going to go in there and locate a job, but I don't know which lot there; I could not tell you, and really I don't know the lot that Mr. Allen is lumbering on.

Q. Did he do any lumbering there? A. Why he lumbered there and it looks to me from your map that he was on State land, but I would not state definitely; he had lumbered there, right back of this tier of lots, but I don't know which lot it is.

Q. Do you know Pat Moynehan? A. Not much acquainted with him; I have seen him two or three times.

By. Mr. NILES:

Q. Well, what happened after this last conversation that you had with Mr. Allen about the lumbering there? A. Well, he went on there and located and built a shanty and went jobbing; I don't know that he has cut logs on State land.

Q. But he went on there jobbing? A. Yes; he went on and put in nine or ten thousand market logs.

Q. Did you understand that he had a contract? A. Yes, sir; from Pat Moynehan.

Q. From whom did you get your information? A. From Mr. Allen, and got it even a little closer; I was at North Creek with Mr. Allen and we had breakfast together with Moynehan and I said: "Are you going to let Allen have this job?" and he said: "I am."

Q. Did you understand that he had a written contract? A. I inferred from that, yes; I said: "Did you get your pay from Moynehan?" and he said: "I have not;" he said: "I did not put in all the logs;" he said: "The contract was that I was to put them all in, and they kept some back from me."

Q. Did you understand that anybody else was interested in that contract besides Mr. Allen and Mr. Moynehan? A. Yes; I understood there was a man that lived down in Potsdam — that Mr. Moynehan took the job from him; I will think of his name.

Q. Did you understand that Mr. Powers had any interest in that contract? A. No, sir; I never did.

Q. Do you understand that Mr. Allen cut timber upon the lots which you informed him were State lots? A. No, I do not mean to say that, for I do not know it; what made me say what I did, I was in there afterwards last fall after they got to lumbering and they got so near the pond that it looked to me as if there might be some logs cut on State land.

By the CHAIRMAN:

Q. How near the pond were they cutting? A. It looks to me not more than 25 or 30 rods, if I remember right.

Q. Was it right along side the lake? A. No; this looked just inside the notch.

Q. Was this west of Long lake? A. Yes, sir.

Q. Is the lumbering which Mr. Allen did in township 21, to which you now refer, done around Clear pond or around Long lake? A. Around Clear pond.

Q. Which side of Clear pond? A. Well, I should say it was on the south side of the pond.

Q. And west? A. Well, it might be a little west, southwest.

Q. Can you state by reference to the map the numbers of the lots on which the lumbering was done? A. No, sir, I can not; I can not tell from which of these lots above there he lumbered on; I can not say, but I have heard too; it is forty something.

Q. Well, 42 and 44 are the only numbers in the forties immediately adjoining the pond; they are State land? A. I can not say that he cut any on the State land.

Q. Is Mr. Allen lumbering there now? A. Well, he has been, but I think he has got through; I understand that he is building a shanty on Big Brook; that would be north in township 22.

Q. Have you knowledge or information of any other trespasses on State lands? A. I do not know as I have; all I know is by rumors.

Q. Do you remember having been told that Pat Moynehan claimed all the lands back of one tier of lots back of the lake front of Long lake? A. I was told that by Mr. Allen that Moynehan was going to cut the timber off of those lots.

Q. Do you remember having been told that it was anywhere back of lots that Allen was to cut the timber? A. I was told that by Allen.

Q. And Allen also told you that Moynehan claimed to own those lots? A. No, not claimed to own them, but he was to job them off for this other man down at Potsdam; he went in there and bought

those lots, and Moynahan took those lots to clear, and Moynahan went and sublet to other individuals; Moynahan then had control of the lumber of those lots.

Q. From whom did Moynahan get any right to lumber on those lots? A. From some man in Potsdam.

Q. Now, do you remember the conversation between Mr. Allen and Mr. Powers, after you had informed Mr. Allen that the second tier of lots west of Long lake were State lots? A. There was hardly any of it; it was in the town of Minerva, when we were going home; he was at work on the highway—I don't know whether he was commissioner of highways, or postmaster, or what; as we were going along Powers said to Allen, "Have you been at Long lake?" and Allen said "Yes;" he said, "How do you find things?" and Allen said, "About as I expected it;" Allen said, "What does the State own over there?" he said, "Our folks (meaning the State) don't own but one tier of lots there"—and we went right along; that is about all the conversation there was with Mr. Powers.

Q. Didn't Allen tell Powers whether he was going to take the job or not? A. No, for he had not taken it.

Q. Did he tell him whether he was going to take it? A. No, sir.

Q. Do you know whether he did take the job? A. Yes; because I have been there and saw the logs piled up near the shanties.

Q. He was there afterwards on the very land? A. I can not identify the land; I don't know.

By Mr. NILES:

Q. Did you see any logs that he had lumbered? A. Yes.

Q. Was that land or any portion of it upon the shore of Clear pond? A. No, sir; it was not; it was some 25 or 30 rods from it—to the best of my belief and knowledge.

By the CHAIRMAN:

Q. In what direction? A. I should say it was south.

Q. At the time that you visited Clear pond had he about completed his job there? A. No, sir; I should not think he had.

Q. How many men were at work under him? A. I could hardly tell you.

By Mr. NILES :

Q. Do you know what proportion of the work he had done? A. No, I do not; I could not tell, because he had not been in there a great while when I went in there.

Q. Did he state to you or do you know how many markets his job covered? A. No; he told me he put in this spring a little over 9,000 markets.

Q. All from that section? A. It was all done right there.

By the CHAIRMAN :

Q. Give me the names of any of the men employed by him that you know? A. Well, Fred. Jenks, of the town of Schroon; another man from Paradox, by the name of Charles Nichols; James Allen, of this town, brother of Martin Allen; Solomon Allard was there.

Q. Of what place? A. He has got a brother here; he is here once in a while; I do not know whether he is here now or somewhere else; the rest of them were strangers.

Q. How many of them were there altogether? A. I could not say for I did not see them altogether.

Q. How many did you think? A. I should think he had 10 or 12 men there; I heard that he had more men from Schroon, but I did not see them.

Q. And these men were at work for him in the winter of 1894 and 1895? A. They were at work in the fall of 1894.

Q. And they hauled out the timber in the winter of 1894 and 1895? A. They hauled out that timber, I suppose, and put it on the shore of Long lake; I have never seen the timber; I suppose it went on the shore of Long lake for that was the only place to put it.

Q. How near to Long lake was this timber cutting done? A. Well, I should have to — let me see — how many acres in a rod?

Q. I don't know anything about it? A. Well, if I could tell I could figure it — well, it must be somewhere about two miles and a half — may be more and may be a little less; that is as near as I can get at it.

Q. Now, you went on to the land where this timber was being cut? A. Yes, sir; I did.

Q. Will you tell me just how you went to it? A. I went from Sweeney's hotel at Long Lake, crossed the lake and went up to Clear pond in the night with a man by the name of Reuben Cole——

Q. Did you go by road? A. Yes; we went by a road that leads up to Clear pond; we took a boat and rowed all over Clear pond, when daylight came and we went up there.

Q. Was the timber cutting which you then saw being done along Owl's Head? A. Well, in that vicinity.

Q. Now, I want you to locate it? A. I can not.

Q. You know Owl's Head well? A. I know all about it; from that place I do not think I could see Owl's Head; that is low land in there; Owl's Head will be a little south of where he is to work.

Q. Not very much — not a quarter of a mile? A. Well, it would be from a quarter to a half a mile.

Q. You think it was lot 42 of township 21 upon which that work was being done? A. I think so; but I don't know.

Q. It was adjoining Clear pond? A. Very close.

The CHAIRMAN: That is all, Mr. Squires.

LEWIS W. EMERSON, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. Will you please state your place of residence and business? A. Warrensburgh, N. Y., manufacturing and banking business.

Q. Will you state what town, county and state offices you have held? A. I have never held any county office; I have been State Senator.

Q. For what terms? A. Two terms, four years.

Q. During the years? A. Eighteen hundred and ninety and 1891.

Q. What is the name of your banking house? A. Emerson & Company.

Q. It is a matter of common report, Mr. Emerson, that there have been extensive trespasses upon State lands in Hamilton, Essex and Warren counties, and we are told that you know considerable about the methods of the business by which these trespasses have been induced or permitted? Will you tell us what you know about it? A. Well, sir, I do not know anything about it.

By Mr. ELDRIDGE:

Q. When did Edward A. Spencer ask you for a statement? A. I never was asked for a statement of any sort by Mr. Spencer; that is not so.

Q. Did anybody ever ask you for a statement in reference to this matter? A. No, sir.

By the CHAIRMAN :

Q. Do you know Pat Moynehan? A. Yes, sir.

Q. Do you know that it is a matter of common report that he has extensively trespassed on State lands? A. I have heard it so rumored

Q. Do you know what his methods of business are with reference to such trespasses? A. I do not.

Q. Does he work, himself? A. I do not think so; I have never heard of him doing any lumbering himself, if that is what you mean.

Q. Is he a contractor? A. Why, I think he buys timber and sells it, more than anything else; I do not think he contracts to do jobs; I think he buys timber lands and sells logs and contracts with people to get them.

Q. He does buy for sawmills? A. Oh, no; he simply sells logs.

Q. Do you know whether he has claimed to have any permission from any State officer for his trespass upon State lands? A. I do not; no.

Q. Do you know, or have you heard, of his having been licensed by Thomas Powers to enter upon State lands for any purpose? A. No, sir.

Q. Have you ever heard of any business relations between Thomas Powers and Pat Moynehan? A. Well, I have seen transactions of theirs going through the bank; what they were I do not know.

Q. Well, state as nearly as you can what they were? A. I think I have seen his checks to Powers go through, and vice versa; whether that was through any deal or not I don't know.

Q. Any notes? A. Not to my knowledge; of course, I do not know much about that; it is only accidentally I saw it; I did not pay much attention to it; my brother tends to that.

Q. Are records kept at the bank? A. Yes; of all notes.

Q. Of the checks? A. The checks are all returned.

Q. Can you recall the amounts of any of those checks you have seen from Moynehan to Powers? A. No, I do not; I do not swear positively about it anyway, because I am not positive about seeing them because I do not have anything to do at the bank; it might have been a transaction in supplies; Powers sells a good deal of supplies to lumbermen.

Q. Who besides Moynehan have you heard of as trespassing upon State land? A. Well, I have heard of one case in particular last

winter, and that was the matter brought up with David Helms at Long Lake; that was a matter that brought us up with the Comptroller; he claimed that he had a right from the comptroller's office; from what I have heard he was perfectly innocent of any intention to commit a trespass; he had some trouble with Powers about it, if I remember rightly.

Q. Can't you give any facts or circumstances showing the existence of relations between the depredators of the public lands and the officials of the State who are charged with the duty of protecting those State lands? A. No, I do not know anything about it.

Q. Don't you recall any facts or circumstances bearing upon that matter? A. No, sir, I don't know of a case.

Q. There are various lumber contractors who have a banking account with your firm, I presume? A. Yes, a great many of those lumbermen send their checks down.

Q. Will you give me the names of them? A. You mean the small jobbers?

Q. Contractors? A. What we call a jobber is if we have a small lot of land and we let the job out and pay him so much a market log.

Q. You would not call Moynehan a jobber? A. No, he is a lumberman.

Q. What other names occur to you as those of lumbermen having deposits with you? A. We haven't got any other lumbermen up there; we used to have A. C. Hall's account when he was up our way.

Q. How many accounts have you got with jobbers of importance. A. I don't know; these jobbers get checks and deposit them; they don't amount to much.

Q. Give the names of some of the prominent jobbers who have accounts at your bank? A. I don't know as I can give them to you; I do not know enough about the banking business to give them.

Q. Does John J. Wakeley have an account with you? A. No, he keeps his account at the Citizens' Bank of Saratoga; we have a number of his checks.

Q. Don't you recall the name of a single jobber who has an account at your bank? A. I was trying to recall them.

Q. Does T. D. De Pan? A. No, he keeps his account at Saratoga.

Q. Nuel Scripture? A. Yes, he keeps an account with us, but I did not suppose he did any lumbering; Seymour Armstrong has an

account with us ; he is not lumbering, however ; Dennis Moynahan and E. S. Thompson ; they don't lumber any ; Orrin W. Cole keeps an account there.

Q. Do John A. Owens or Charles Callahan keep an account with you? A. I don't remember ; David Helms keeps an account there, but I think only of his hotel ; Andrew Johnston did keep an account there ; he is a merchant at Olmsteadville ; he was mixed up there in a case ; H. G. Locke is a lumberman ; he keeps an account there ; Thomas Powers keeps an account in Saratoga and Glens Falls ; Robert Shaw keeps an account with us ; he owns a saw mill at Long lake ; Albert Thomas keeps an account with us.

Q. Did you ever see any of the contracts that are said to have been made by Moynahan with these jobbers? A. No.

Q. Do you know upon what State lands Monehan has cut timber? A. No, I do not ; only I know he bought some lands that I spoke of from the Commission that was deeded to him in the 14th township ; you say you don't care anything about those ; that is the only thing I know of.

Q. Is it your understanding that trespasses upon State lands have been made without permission of the forester? A. I do not know anything about it ; only rumor.

Q. With the permission of the forester? A. Yes, I have heard it, that they have been made, but they had been made under permission ; the only case I know of particularly is that case I speak of of David Helms.

Q. Did he claim to have permission from Thomas Powers? A. No, I think not ; I think some one the Comptroller sent up there or the Forest Commission.

Q. Wasn't it Colonel Fox? A. No, it was not Colonel Fox, but some other man ; he told me his name.

By Mr. ELDRIDGE :

Q. Was it the Comptroller's office or the Forest Commission? A. I could not say, but I guess it was the Commission.

Q. He claimed permission from John H. Burke? A. It may be ; I know Burke was in the Forest Commission ; it was some one of them.

By Mr. NILES :

Q. What is the name of the cashier of your bank? A. My brother, James A. Emerson.

Q. Did I understand you to say that you were engaged in the lumber business? A. My father's lumber business; we hold our interest in it.

Q. What is the firm? A. A. C. Emerson & Company.

Q. Where is it located? A. At Warrensburgh, N. Y.

Q. Are you engaged in the sawing of lumber there? A. Yes, sir.

Q. And to what extent? A. About 4,000,000 feet a year.

Q. What is the source of your lumber supply? A. Schroon valley.

Q. What is your course of business with regard to securing your lumber? A. We have some timber land of our own which we lumber, and of course we buy as people offer to sell it to us.

Q. What is your course of business as to buying lumber—do you make contracts for the purchase of so many logs? A. We buy them out and cut or lumber them from our own lands.

Q. In regard to the timber you buy out and cut, do you buy that standing? A. No; we buy it delivered at the head of this lake or at Schroon river.

Q. Do you buy it in the form of lumber or do you make contracts for the delivery of so many logs? A. We buy it delivered, except what we lumber off our own land.

Q. With whom in the last three years have you made contracts for the delivery of lumber? A. Faxon & Knapp of Chestertown; Charles Whitney of Schroon, George Underwood of Fort Edward; Barton Brothers of Horicon, and we buy little lots of 50 or a 100 markets or 200 markets of farmers around here.

Q. Could you give the names of any farmers in the vicinity of whom you purchased lumber? A. John West of Horicon; he is a farmer; there is a man by the name of John Rollins down at Chestertown.

Q. Any farmers in Schroon? A. There are some up here, but I can't remember any of them.

By the CHAIRMAN:

Q. Ever bought any of Freeman Tyrrell? A. Never direct; we bought some through Mr. Whitney.

By Mr. NILES:

Q. Have you any personal knowledge of the source of supply or location of the lands from which the timber is obtained? A. Only from our own men.

Q. Never seen them at work? A. Never was on a job in my life; all I am telling you now is what I have picked up; I don't take any part in our banking business.

Q. Do you know your timber all comes from Schroon Valley? A. Well, we can not get it any other way; we have to float it down this stream.

Q. Have you traveled pretty thoroughly through this section, through the woods? A. No, I have never been in the woods much.

Q. Have you been at all in the woods of this county? A. Very little; I have been at the summer hotels, but not to look over timber jobs.

Q. Have you been in any section of the Adirondack; in the woods? A. Not to amount to very much; I have been in camping or something like that.

Q. Are you familiar with the location of the State lands in the Adirondack State reservation? A. Not very definitely.

Q. Have you given any attention to the reports of depredations upon the State lands within the reservation? A. No, sir.

Q. Do you think it a matter of any moment to the State that these depredations should be prevented? A. I should think they ought to stop it if any is being done.

Q. Is it not a matter of general rumor or report that depredations are constantly being committed upon the State reservation? A. I do not think it is of so large an extent as people think.

Q. If the rumors are well founded and the depredations are extensive, do you think it important that steps should be taken to prevent them. A. Certainly.

By the CHAIRMAN:

Q. What would you suggest as the best means for the prevention of depredations upon State lands? A. The best means would be to get good men that would do their duty.

Q. That is, all that is necessary is to have an honest forester? A. One good man is as good as a dozen of those little ones; one who would do his duty fearlessly.

By Mr. NILES:

Q. How many foresters do you think it is necessary for the preservation of the forests? A. As the law now is for the fish and game?

Q. No; for the protection of the forests? A. Would you mean that or especially for the protection of the forests? I think one good man on the north and east and west side.

Q. That is, with the understanding that their time should be devoted entirely to the protection of the forests? A. Yes.

By Mr. ELDRIDGE:

Q. Do you think that one man as now is sufficient protection for Essex county? A. No; I think what has done more harm to the State forests than Moynehan — I do not think that Moynehan has done half as much harm as these small fellows that go in every winter and cut logs and draw them to saw mills and make shingles; they go in and cut out the best pine trees; they go in on our lands and cut them just as quick as they would on the State lands; you can buy all the shingles you want around here for \$2.50 per thousand; no man can afford to draw timber and sell them for that; if you would have a good man he would stop all that business if he had a good man back of him to enforce it; the present forester can start in and walk and before he gets around Essex county the snow will be on the ground.

Q. Do you think there should be a man in each town? A. I do not think there should be as many as that; that would give Essex county 18 men; I think three men ought to do it.

Q. Would you have three in each county? A. I would have them only in these large, wooded counties, like Hamilton, Essex and Franklin; I do not think we need over two in Warren county; I think two men could take charge of Saratoga county; the other side I do not know anything about.

Q. Did you ever know of a prosecution under the present law? A. No, sir.

Q. Do you think the penalties for trespass are sufficient? A. What is the penalty now?

Q. Twenty-five dollars a tree cut. A. Yes, it is enough if you enforce it; there is no tree in this county worth \$25, standing, or a quarter of it; Isaac Woodward, our lumberman, will be here Saturday, and will give you all the information you want.

By Mr. NILES:

Q. Do you know of any persons in this vicinity well posted with regard to the State lands in this county and with their condition? A. I think Woodward knows up in this section; he is my father's old partner; we are lumbering up in Black Brook; he is going up there to superintend the job; Isaac Kennell, of Indian Lake, and Mr. Eldridge, of North Creek, would be good men.

The committee then adjourned until August 10, 1895.

LELAND HOUSE, SCHROON LAKE, N. Y., *August 10, 1895.*

ISAAC S. WOODWARD, being duly sworn and examined by Chairman WILDS, testified as follows :

Q. Where do you reside? A. Warrensburgh, in Warren county.

Q. And what is your business? A. Well, my business is manufacturing lumber, looking after lumber, etc.; looking after our log matters; my particular business is looking after our logs.

Q. Whose logs? A. A. C. Emerson & Company; I am one of the firm.

Q. Then, as I understand, you are in the lumbering business? A. Yes, sir.

Q. Of the firm of A. C. Emerson & Company of Warrensburgh? A. Yes, sir.

Q. How long have you been engaged in that business? A. About 35 years.

Q. Always in connection with that firm? A. Always in connection with that firm.

Q. Is it your personal business to have charge of the making of contracts for timber for your firm? A. Well, I would not say that; not my personal business; we are generally all together when we make a contract for timber.

By Mr. ELDRIDGE :

Q. In your question of contract, do you mean contract for jobs to put in logs? A. We buy all our logs now; we used to let jobs.

By the CHAIRMAN :

Q. What is the source of lumber supply used in the business of your firm? A. You mean where we get it?

Q. Yes. A. At present we are getting it at a place called the Berry mills; that is the Schroon valley; heretofore we for a term of years bought our logs of Mr. George Underwood of Fort Edward.

Q. Have you fully answered my question? A. You qualify that; I really do not understand what you mean to get at.

Q. Where does your timber come from and where has it come from during the last five years? A. It has come down the Schroon river and Schroon lake.

Q. All together? A. The majority of our timber are logs that go through Schroon lake here; we buy pine saplings and like that here at different places.

Q. And comes from what town? A. North Hudson.

Q. You mean it has come from North Hudson during the last five years? A. Not all, because I say we buy small lots below here such as sapling pines; but the majority of our stock has come from North Hudson.

Q. Over what extent of territory in this neighborhood have you a personal knowledge of the character of the timber tracts? A. Well, in the town of North Hudson I have been over most of the timber land that goes down the Schroon river.

Q. Answer my question fully without repetition, Mr. Woodward your knowledge of timber lands is not confined to North Hudson? A. Not entirely.

Q. Then proceed and answer the question fully. A. I said I had been over most of the timber land in the town of North Hudson and some in the town of Schroon, but not much.

The CHAIRMAN: Will the stenographer repeat the question?

(Question repeated by the stenographer as follows): Q. Over what extent of territory in this neighborhood have you a personal knowledge of the character of the timber tracts?

The WITNESS: I think I answered that question; I think in the town of North Hudson what came down the Schroon Valley, I had a pretty good knowledge; I had been over a good share of it and some parts of the town of North Schroon, I have been through timber lands.

By Mr. WAGSTAFF:

Q. That is the extent of your knowlege? A. It is in this part.

Q. Have you not been over the country in township 30 of the Totten & Crossfield patent? A. Where does that lay, sir (referring to map); I have been over that years ago but not within five years.

By the CHAIRMAN:

Q. Looking over the map I now show you, will you state any other part of Schroon lake or any other part of this country that you have a personal knowledge of the timber tracts? A. I don't know that there is any more that I have a personal knowledge within the last five years; of course there is some of that that I have been over before that time.

Q. What is the character of the existing timber upon the different lots of North Hudson? A. You mean the kinds of timber?

Q. What is the character of the existing timber? A. Well, it is spruce and hemlock and some balsam and a few pine—first growth pine—that is, primitive pine; there is some second growth pine and arge quantities of hard wood timber, beech, birch and maple.

Q. Has that township been pretty thoroughly cut over once?
A. The town of North Hudson, yes sir; the most of it except what is mountains.

Q. On Boreas mountain range? A. Yes, that is cut over the second time; Mr. Finch and Mr. Pruyn have been lumbering it over the second time; the last two, three or four years they have been there lumbering.

Q. Is your personal knowledge of the country about this neighborhood confined to townships 44 and 49 of the Totten & Crossfield patent? A. Really I could not tell you as to that because I never paid much attention to the township.

Q. Do you know the bounds and locations of the State lands in North Hudson and Schroon towns? A. Not in Schroon.

Q. But in North Hudson? A. I know some of them; yes, sir.

Q. What is the character of the timber upon them? A. Well, there is very little timber upon the State lands now; there has been some State lands sold that had some timber upon them; I think there is two lots left upon what they call the Brant tract, which has some timber on it — spruce and hemlock.

By Mr. ELDRIDGE:

Q. When was this land sold? A. Two years ago to George Underwood.

Q. What did he buy, the lands or stumpage? A. The lands.

Q. Is it outside of the preserve? A. Yes, sir.

By the CHAIRMAN:

Q. What are the numbers of the State lots in North Hudson? A. Eleven and 12; that is North River Head tract, I know.

Q. That is in township 29? A. I could not tell you that; it is in the town of North Hudson.

Q. As you see those lots on that map, in what township are they, 44 or 49? A. (Referring to map) All I can designate them by would be by the tract they are in; 13 and 14 in North River Head tract were sold to George Underwood; lots in North River Head track numbered 13, 14, 22 and 46 which appear on the Forest Commission map as State lands are not State lands; they have been sold to George Underwood.

Q. How recently? A. Three years ago, I think it was.

Q. Are the bounds of the State lands well marked? A. Well, they are not; a good many of the State lands have been burned over and the marks are obliterated.

Q. Of what locality are you now speaking? A. Well, through the town of North Hudson particularly; also over in Minerva 30 that you speak about; that is badly burned over; that is not, however, in the Schroon valley.

Q. Is the location of the State lands well known and well understood by lumber contractors? A. I think they are.

Q. What care, if any, is taken by lumber contractors against trespass upon State lands? A. As far as I know they are very careful about trespassing on State lands.

Q. Have you ever directly or indirectly taken or caused to be taken any timber from State lands? A. I never have, sir.

Q. Either for yourself or your firm? A. Not at all, sir.

Q. Have you ever bought timber that was cut from State lands? A. Yes, sir—I never bought any timber; we had a tannery up here and I bought some bark that was taken from State lands.

Q. When? A. About eight years ago, I think.

Q. Is that the only instance? A. That is the only instance I ever knew.

By Mr. TEN Eyck:

Q. Did you know at the time? A. No, sir; I did not know at the time.

Q. Who sold it to you? A. There was one man by the name of Bullard, and there were one or two that sold me some wood; one man by the name of Nichols and another man by the name of Johnson.

By the CHAIRMAN:

Q. So you have bought some wood from State lands? A. Yes; Mr. Garmon said it came from State lands; he came from the Forest Commission; I settled with him for it.

Q. How much did you settle for it? A. Really, I have forgotten it now.

By Mr. WAGSTAFF:

Q. Whom did you pay? A. Mr. Garmon.

Q. Who was he? A. An inspector from the Forest Commission; Mr. Carpenter of the Forest Commission sent for him.

Q. Where do these men reside that you bought this wood of? A. In North Hudson.

Q. How long ago was that? A. Nine years ago.

By Mr. TEN EYCK :

Q. Since that time have you known of any depredations? A. No, sir.

Q. Since that time have you known of these people selling to anybody else? A. I have not.

Q. The first intimation that you had that it was State timber cut from State lands was when Mr. Carpenter notified you? A. Mr. Carpenter and Mr. Garmon; Mr. Carpenter was up there quite a while, but he didn't say anything until they came down together and then Mr. Garmon did the talking.

By the CHAIRMAN :

Q. Had all the timber been delivered at that time? A. Yes, sir; six or eight months.

Q. How could they tell it came off of State land? A. They said they followed it and went into our bark stack; I settled it up with the expectation that I would get my money back from those men; Mr. Bullard did pay me but the rest did not.

Q. You know that there are extensive tracts in the town of Schroon belonging to the State? A. I have not been over them in the town of Schroon, except in the north part.

Q. Have you been over the lots on Blue Ridge? A. Yes; I have been over four lots on Blue Ridge; there are four lots that belong to the State.

Q. Have you ever known of any trespass upon these lots? A. No, sir; I have not; except that this wood that I spoke of was cut on those lots.

Q. Eight years ago? A. About eight years ago.

Q. Was it as long as five years ago? A. Yes, sir; longer than five years ago.

Q. Does all your timber supply come from the Schroon valley? A. Yes, sir.

Q. None from the Hudson valley? A. No, sir; our mill is on the Schroon river.

By Mr. ELDRIDGE :

Q. In this section of which you have testified having some knowledge of, has the State any timber on its lands? A. There are two lots on the Blue Ridge that have some timber on.

Q. Do they adjoin other timber lands owned by individuals? A. I think Finch and Pruyn have some that they bought of Mrs. Bloomingdale that adjoins them.

Q. Do you think the marks between the lines of Finch's & Pruyn's lands and the lands of the State are plainly marked? A. That I could not tell you; those two lots that I speak of have some timber on and were formerly owned by Finch & Pruyn and they let them be sold for taxes.

Q. Don't you think that the lands owned by the State having timber on adjoining private lands should be plainly marked? A. Yes, sir; there is a great deal of this State land that has been burned over and these lines obliterated; the corners can be found, I guess, most of them.

By the CHAIRMAN:

Q. Well, you know it is a matter of common report that trespasses are committed on State lands in this neighborhood? A. Not of late years; heretofore it has been.

Q. Very extensive trespasses? A. Oh, certainly, sir, years ago, but late years I have not heard of any.

Q. Your understanding is that the State lands in this section have been generally denuded of timber by timber thieves? A. By report; yes, sir.

Q. And you know that to be the fact? A. No, sir; I would not say that; I would not say that I knew that to be the fact.

By Mr. WAGSTAFF:

Q. Well, the timber is all gone from this land anyway? A. Most of it.

By Mr. TEN EYCK:

Q. Has it not been swept away by fire? A. Yes, sir.

By Mr. ELDRIDGE:

Q. Well, hasn't it been the policy of this country that after the timber was taken off they let the lands go back to the State for taxes? A. That is the way the State has acquired title to most of this land here; in the course of 20 years there will be another growth on it, if fire keeps out of it.

By the CHAIRMAN:

Q. With what contractors have you had dealings for timber supply? A. Well, we bought the most of our timber up here from George Underwood; some little jobs, perhaps, we bought of others; very small.

Q. And where has he done his lumbering? A. Well, a great deal of his timber has come off of the Moquette river, and he has drew it around this way.

Q. Has all the timber supply that you have bought from George Underwood come from the North river tract? A. No, sir; some of it came from Mud pond, now called Elk lake.

Q. How much of the timber that you have bought within five years has come from State land? A. Not any that I know of.

Q. Don't you know of George Underwood having cut timber from State lands? A. I do not.

Q. Have you not been informed of the fact? A. No, sir.

Q. Are there any protectors of the State lands against trespass needed in this section? A. I should think there should be to look after it.

By Mr. TEN EYCK:

Q. Is there a forester in this section? A. The only one that I know is a man by the name of Parker over in Keene.

By Mr. NILES:

Q. Isn't Bibby of Minerva a forester? A. Yes, sir, down that way.

By Mr. TEN EYCK:

Q. Have you any ideas that you would like to suggest in reference to the protection and preservation of the forests here? A. I think there ought to be more to look after them and see that the fires are kept out and trespassers kept off; heretofore they have had such a large territory to look after that while in one place there might be some depredations committed in other portions or fires in the spring of the year.

By the CHAIRMAN:

Q. You think that there are still depredations going on in this Schroon valley? A. I do not know that there are any.

Q. Then why do you want protectors to protect the timber? A. Well, they want protection against fires.

Q. You don't think they want any protection against thieves? A. Well, I don't know; I have not heard of any depredations within the past few years; I do not say there have not been any, but to my personal knowledge there have not been any.

The committee then adjourned.

LELAND HOUSE, SCHROON LAKE, N. Y., }
MONDAY, *August 12, 1895.* }

Present: Chairman Wilds and Hons. Messrs. Niles, Wagstaff, Eldridge and Ten Eyck.

CHARLES CALLAHAN, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. Where do you reside? A. Minerva, Essex county, N. Y.

Q. How long have you lived there? A. I have always lived there; born there.

Q. You are of what age? A. Twenty-five.

Q. What is your business? A. I work in the lumber business; I have lumbered some.

Q. For how long? A. For four or five years.

Q. Alone or in partnership with another? A. I was in partnership with another on two jobs.

Q. And who was that? A. John A. Owens; I was partners with another man four years ago.

Q. Who was that? A. Tom Flynn.

Q. Upon what jobs have you been lumbering on your own account? A. Well, I have been lumbering on Lot 120, 26th township, town of Minerva; I bought the timber from Bob Dougherty.

Q. Go ahead and state where you have lumbered on your own account? A. I lumbered for Knapp up in the rear of the Vanderwater the year before that; I forget the number of those lots — Knapp & Faxon.

Q. In what year was that? A. That was in 1893, I think.

Q. Could you identify the lots where you then lumbered by looking at this map? A. I think so (referring to map); Lot 1, I guess that is the lot.

Q. Of township 26? A. I think it was; there were two other lots; think one of them was 27 or 46; I think those are the lots, but I would not be certain, it has been so long.

Q. In what other places have you done lumbering on your own account? A. Well, that is all; I did lumber the year before that, in 1892, in about the same place; the logs came to the Boreas; it was just this side of where we lumbered that year.

Q. On what lots? A. Lots 32, 40 and 41, I think; I think those are the lots.

Q. Have you now stated the location of all the lots upon which you lumbered on your own account? A. Yes, sir.

Q. Now, where have you done any lumbering in partnership with John Owens? A. On Lot 21, 16th township; we started to lumber—we bought the timber from E. P. M. Lynch and paid him \$25 on it and started in to lumber; he told us he owned the north half of that lot and I asked Dan Lynch to come and divide it and survey it out for us and he told us he was very busy, but would be in in a few days; he said the road ran in the center of the lot and there would not be any danger of running off if we did not get a great ways from the road; we came out in two weeks and I saw him and he and Mr. Durfee came in the last of the week on Saturday and we had something like 5,000 pieces piled—between 4,000 and 5,000 pieces, and he told us it was an undivided lot.

Q. Undivided with whom? A. With the State; Miss Kent of New York, owned one-half and the State owned the other half, and so the logs remain there yet.

Q. In what year was this work done on lot 21? A. Last year.

Q. Eighteen hundred and ninety-four or 1895? A. Eighteen hundred and ninety-four.

By Mr. TEN EYCK:

Q. Last winter or the winter before? A. It was done in the fall—last August, 1894.

By Mr. WAGSTAFF:

Q. Is that the only lot you lumbered over in partnership with Owens? A. Well, we put 161 markets in the Boreas the year before.

By the CHAIRMAN:

Q. Where? A. On lot 118; there were 26 acres we bought of Bob. Dougherty.

Q. Of what township? A. Twenty-sixth.

Q. When was that work done? A. A year ago last winter.

Q. The winter of '93 and '94? A. The early part of '94; I think it was along about the last of February or the first of March; we cut them down and brought them down in a week or so.

By Mr. WAGSTAFF:

Q. What kind of timber? A. Spruce.

Q. How large? A. They were quite small.

Q. How many inches were they? A. I should think four to a market.

By Mr. TEN Eyck:

Q. How many inches to a market? A. Three hundred and sixty-one; 19 times 19; we bought that timber from him and gave him \$50; he had most of the logs cut; we piled them and drew them; there were 161 markets I believe, and they afterwards claimed that they were State logs.

By Chairman WILDS:

Q. Who claimed that they were State logs? A. Tom Powers.

Q. To whom did he make that claim? A. To Kenyon & Baldwin — the Forest Commission did.

Q. Where else have you done any lumbering with John Owens? A. I have not done any other that I know of.

Q. You also have had partnership relations with some other man? A. Well, that was quite a number of years ago; that was in 1891 and 1892.

Q. Pray how old were you then? A. Eighteen, 19 or 20.

Q. Didn't you say you were 25 years old now? A. Yes, sir.

Q. With whom were you in partnership? A. Tom Flynn.

Q. Where did you do your lumbering? A. We lumbered for Pat Moynehan, I think, on these lots 16 and 17 of township 16; I would not be sure it is so long ago.

Q. And in any other locations? A. I could not say; I think it was on lot 44.

Q. Of township 26? A. Township 26; I think that is all the lumbering I know of.

Q. You are, I presume, what they call a jobber? A. Yes, sir; I have been.

Q. And have been for the last four or five years? A. Yes.

Q. With whom have you made contracts as a jobber? A. With Knapp & Faxon and with Lynch; we did not draw any contract with Dougherty.

Q. What Lynch? A. E. P. M. Lynch.

Q. Anyone else? A. Well, we bought the timber of Dougherty; we did not draw up any contract and I do not think there was any contract made with Moynehan; I would not be sure, it is so long ago; I think it was just a verbal contract; I lumbered at Indian Lake last winter with Johnny Lynch, but he only took me in there; I could not say what part it was; we lumbered for Finch; I could not say what lots we were on; he took me in as a partner after he had made quite a number of cuttings of logs.

Q. Are you engaged upon any job at this time? A. No, sir.

Q. When were you last engaged upon any job? A. Well, I have not been engaged upon any since I was with Lynch up there.

Q. Since you were with Lynch in the Indian lake country in township 32 of the Totten & Crossfield patent? A. Yes; I could not say what township it was.

Q. You see it is in township 32? A. Yes.

Q. When you were there lumbering how was the location of your work designated to you and by whom? A. By John McGinn.

Q. Who is he? A. Finch's agent.

Q. Did you make any inquiry as to whether the place where you were directed to lumber — A. Yes, sir.

Q. Was State lands or not? A. Yes, sir.

Q. Of whom did you make inquiry? A. Frank Houghton.

Q. What did he tell you? A. He told me it was not.

Q. Who is Frank Houghton? A. He was with them when they surveyed the State lot; he is a son-in-law of McGinn.

Q. Did you have any other assurance that the lots were not State property? A. No, sir.

Q. You are speaking now entirely of the Indian lake job? A. Yes, sir.

Q. When and where was the job upon which you worked immediately previous to that job? A. It was on lot 21, 16th township.

Q. And by whom was the location of your lumbering there designated to you? A. By Dan Lynch; he was not in there but directed us; he said he would be in and survey it out and he told us that the wagon road ran almost directly through the center of the lot and that there wasn't any danger of getting off until he would be in and survey.

Q. What contract did you have with reference to work there? A. I had a contract from E. P. M. Lynch.

Q. What was the nature of the contract? A. That "I have sold all marketable timber on lot 21 north half township 16, town of Minerva to Charles Callahan for ten cents stumpage;" I won't be sure that it mentioned the time it should be paid or not.

Q. Is that the whole of the contract? A. Yes, sir.

Q. I thought that you said that Miss Kent was the joint owner of lot 21 with the State? A. She claimed to be; Lynch claimed that he bought the timber on this lot from Miss Kent and afterwards found that he had no title to the timber whatever; Miss Kent claimed that she never had an agent.

Q. Have you that contract with you? A. I have not; I don't know whether I could find it or not, either; I have got the receipt for the money I paid, or rather Charles Coyle has got it; I tried to make Lynch pay it back.

Q. How much did you pay? A. Twenty-five dollars.

Q. And was that a payment on account? A. Yes, sir.

Q. In advance of your work being done? A. Yes, sir; he gave me a receipt to show that I paid it: "Received of Charles Callahan, \$25, to apply on timber purchased from me on lot 21, township 16, town of Minerva."

Q. Was that money paid by you at the time of your receiving the sale of the timber? A. It was later on from the time I bought the timber that I paid him; I paid him before we had cut or piled any.

Q. How much timber did you cut and of what character on lot 21, township 16? A. I think about 4,000 pieces, mostly spruce; there were a few hemlock, some pine and balsam, I suppose.

Q. Were they measured? A. No, they were not.

Q. Of what size timber were those pieces? A. Well, I should not think it would take over three for one; three pieces for a market; but of course we never measured them and I could not tell.

Q. Do the logs now remain where the timber was felled? A. No, sir; they were skidded.

Q. All? A. I guess all.

Q. And why were they removed? A. The lot was undivided, and the State — Tom Powers stopped us from having them sold; they said that Lynch was no agent of Miss Kent and that he had no right to either part.

Q. In the contract that Lynch made with you, did he represent himself as the agent of Miss Kent? A. I don't think that he did; he made out that he owned the timber; he claimed that he bought it out west.

Q. What agent? A. He claimed that the agent's name was Nichols; I do not remember the first name.

Q. How did Powers stop your work on that lot? A. Well, I met him—

Q. Where and when? A. I met him I think it was the on the Tuesday after that Lynch and Durfee came in there; I met him by Mr. Wilson's, up on this road.

Q. You know your location of these places here is not intelligible to the record? A. I met him just this side of Olmsteadville, and he stopped me and was talking about—

Q. Tell me everything he said and you said in this conversation?
A. He told me to wait until he went up to the house and he would see the books; that he thought that was an undivided lot; he told me not to cut any more logs there; that the State had never divided it; that he would have to put a stop to it; that Lynch had no right to sell the logs on the north end of the lot until it was divided.

Q. Anything else? A. No, sir.

Q. How did he know that you were lumbering there? A. Well, I told him after they had been in.

Q. After who had been in? A. After Lynch and Durfee.

Q. And when were Lynch and Durfee in on that lot? A. I could not say what date it was; it was on Saturday.

Q. Do you remember the month? A. I think it was on the first of September, along about the first.

Q. In 1894? A. Yes, sir; I could not be certain.

Q. It was during the following week that Mr. Powers had this conversation with you? A. Yes, sir.

Q. What did you do then? A. I went in and stopped the cutting and piling of any more.

Q. How many men did you have there at work? A. Twelve or 13, somewhere along there.

Q. Will you give me their names? A. Yes, sir, I think I can name them all: Pat O'Donald, Tom Owens, Pat Owens, Denny Callahan, Mike Flynn, John Murphy, Mike Lynn—there are some more but I can't remember them.

Q. What instructions did you give them in reference to the work there to be done? A. No instructions, only we had some cutting out the roads and others piling.

Q. Did you tell them to clean out all the timber? A. Not to cut down the small; anything under 8 inches, unless it happened to be a top log that was handy; we did not calculate to cut anything under 8 inches.

Q. Did you in fact cut anything under 8 inches? A. I presume there were a few but not many.

Q. Over what extent of that lot had your cutting of the timber been completed when you received this notice from Powers to quit work? A. I should think about 75 or 100 acres.

Q. Is that all cleaned off? A. Oh no, there were lots of timber standing—not all soft wood; there were some left that are small; there is hemlock left mostly, unless it was a very nice tree.

Q. How many acres were there in the part of Lot 21 upon which, or with reference to which, your contract was made? A. Five hundred.

Q. And you had only cut the timber from 75 acres of it? A. I could not say for certain, but it was not over 75 or 100 acres; it was not a very big piece; it might be more.

Q. What has become of those logs? A. They are there now on the skids.

Q. When did you last see them? A. I have not seen them since last fall; I went in and brought out a lot of stuff from the shanty.

Q. Provisions, I suppose you mean? A. Yes, sir.

Q. Were those 75 acres located in the north half of that Lot 21? A. I think they were above this pond, around through here (indicating on map.)

Q. North of the pond, at about the center of the lot? A. Yes, sir.

Q. What is the pond called? A. Well, I forget the name of that pond.

Q. Had you removed from that lot any of the timber which you cut? A. No, sir; not any.

Q. Have you ever paid your men for their work? A. Yes, sir.

Q. How much? A. It cost me about \$1,000 in all, or a little over, paying them for their work and paying for grain and hay and provisions.

Q. How long a time were you there engaged in lumbering from that 75 to 100 acres? A. I think about three weeks and a half; I would not be sure exactly—I don't know but four weeks; we were a little while building the shanty.

Q. What do you estimate the value of the timber which you there cut and skidded? A. Well, I should think they ought to be worth \$800 or \$900; of course it cost us more on account of having to draw our stuff out of the shanty again than it would if we had went on.

Q. As I understand it there were about 4,000 markets? A. About 4,000 pieces — between 4,000 and 5,000 pieces.

Q. Equal to how many markets? A. Equal, I should think, to 1,400 markets.

Q. Worth how much a market? A. About \$1.35 in the river.

Q. Well, that would make the whole lot worth considerably more than \$900? A. Oh, the whole lot, yes, sir.

Q. How much, then, would you say the whole lot was worth? A. Well, of course, if a person was to buy the balance of the timber standing it would not be worth so much if that was cut and piled; it would be worth 25 cents a market standing — 20 or 25.

Q. Were the boundary lines of lot 21 located for you? A. No.

Q. Well, how do you know that your cutting was upon that lot? A. I asked Mr. Lynch and he directed me by the road—Daniel Lynch—

he claimed that the road ran almost through the centre of the lot, and I was expecting him to be in and survey it out every day, and he did not think there was any danger of our getting off of it by cutting and piling on both sides of the road and not getting too far back.

Q. Did you have any directions as to how far on each side of the road to cut? A. No, sir.

Q. Were you to cut on either side of the road as far as timber was standing. A. No, sir; he said that he thought the road ran almost through the centre of the lot, and the lot was only a half a mile wide; so we did not cut a great ways on either side of the road — we cut on both sides of the road, but not very far back on either side.

Q. Had you made any contracts with anyone with reference to the timber which you were to cut from lot 21 of township 16? A. No, sir; I spoke to Mr. Kenyon, of Sandy Hill; he said he thought he would buy the logs, but he had never made no contract or never measured them; Kenyon & Baldwin, I think; they were a lumbering company.

Q. Had you negotiations with anyone else in reference to the timber from lot 21? A. No, sir.

Q. Did Kenyon & Baldwin or either of that firm come upon the lot where you were at work? A. No, sir.

Q. Whom do you know of as being upon the lot during the time you were at work there besides the men in your employ? A. Dan Lynch and Mr. Durfee were the only ones that I know of; of course there may be persons who travelled through there, but they were the only persons I saw.

Q. Was the road that ran through there a public highway? A. No, sir.

Q. Merely a lumber road? A. Yes, sir.

Q. How long is it since that road was cut? A. I don't know; it has been cut a good many years.

Q. Has the timber from that lot, other than cut by yourself, ever been cut? A. I think that has been cut through there where we were years ago; you can see all the stumps.

Q. Was the cutting done by you of the second growth of timber? A. Yes, sir.

Q. And that timber consisted of pine, spruce and balsam? A. Yes, sir.

Q. About how many trees of each? A. Well, there was not but very few pine or balsam — not more than a dozen trees of each — there wasn't any pine to amount to anything, anyway.

Q. And the rest was all spruce? A. Yes, sir; there were a few hemlock, but not very many.

Q. When was your job upon lots 27, 44, 45, 46 and 51, township 26, done? A. Eighteen hundred and ninety, '91, '92 and '93; I would not be certain.

Q. You were then in partnership with John Owens? A. No, sir; I was in partnership with Tom Flynn on some of those lots, but not all of them.

Q. What timber did you cut from those lots? A. Spruce and hemlock mostly.

Q. How much timber did you cut? A. About seven thousand markets, I should think — seven or eight thousand markets.

Q. All together? A. Yes, sir.

Q. How were the bounds of those lots located for you and by whom? A. Orson P. Morse, most of them; I think he surveyed them all.

Q. What care, if any, did you take, with reference to avoiding encroachment upon the neighboring lots? A. The lines were marked very plain mostly, except one.

Q. Did you cut timber from any of the neighboring lots? A. Yes, sir.

Q. How much and from what lots? A. There was one lot that was not run out, that we cut a few on — I think it was 43 and 29; we had to pay for that though — \$1.25 a market.

Q. How much did you cut from lots 43 and 29 of township 26? A. I think something like 150 markets; I would not be sure, but something like that.

Q. Of what character of timber? A. Spruce and balsam.

Q. What prevented you from cutting more from those lots? A. Well, there wasn't anything; we found we were off the lot ourselves; we found the line after we stopped cutting.

Q. What did you do with the timber that you cut from lots 43 and 29? A. We sold them; they went in with Knapp & Faxon's logs.

Q. That you had cut from the other lots around there? A. Yes, sir; I think they all went in together.

Q. Were you ever charged with trespass upon the State lands there? A. Yes, sir.

Q. By whom and when? A. By Powers and Burke in that next spring.

Q. And what happened? A. They made Knapp & Faxon pay \$1.25 a log for what was taken off, and they charged it to us.

Q. Now, when was your cutting of timber from Lots 32, 40 and 41 of township 26 done? A. I think it was done the year before that; I could not be sure.

Q. In 1889? A. What was that, 1890?

Q. Yes. A. Then it was 1891; it was either the year before or the year after; I would not be sure which.

Q. How were those lots located for you? A. They were surveyed out.

Q. By whom? A. Orson P. Morse and John Smith showed us the lines.

Q. What care did you take against encroachment upon State lands adjoining those lots? A. We cautioned all of our men to be very careful of the lines and not cut over.

Q. Did you make any encroachments upon the neighboring lots? A. No, sir; the lines were quite plain.

Q. And how much timber did you cut from those lots? A. I think. about 3,000 markets.

Q. Of what character? A. Spruce and balsam; spruce mostly.

Q. When you were at work upon lot 21 of township 16, was any timber cut from the adjoining lot, 20, by you? A. Well, I could not say

Q. If any timber was cut from lot 20 it was done by you? A. Yes.

Q. It has been stated in an affidavit made by Daniel Lynch that on lot 20 a quantity of cedar had been cut and the logs removed? A. It might be then I was wrong; it might be that some one else lumbered that lot; I made a mistake there; I would not say that anybody else cut there.

By Mr. TEN EYCK:

Q. If they were cut you do not know who cut them? A. No, sir.

By the CHAIRMAN:

Q. Now it is said that there were 370 trees cut and logs taken away from lot 20? A. I do not know anything about that.

Q. Were the trees which you cut from lot 21 all live trees in good healthy condition? A. No, not all; we cut some dry.

Q. How many? A. Oh, there wasn't a great many.

Q. Not many that were not good healthy trees? A. No, sir.

Q. At the time of your work upon lot 21 trees were also cut from lot 22, township 16, and that cutting was done by you, it is said; is that a fact? A. I could not say as far as that.

Q. Is that the reason you can not say definitely, that you did not have the lines run? A. Yes, sir.

Q. That you took no care against encroachment upon lot 22? A. I took some care.

Q. It is said that the trees cut from lots 21 and 22 were spruce and balsam, pine and hemlock; is that a fact? A. I could not say; I could not say where 22 is.

Q. You know that lots 20 and 22, on either side of lot 21 of township 16, are State lots? A. Yes, sir.

Q. And you knew the fact at the time of your work upon lot 21? A. I knew; yes, sir.

Q. And you took no particular care against encroachment upon State lands there? A. We were so certain on account of his direction that we did not think we were over the line; but we didn't cut no distance back from the road on either side.

Q. Do you remember meeting with D. C. Durfee while you were at work upon lots 20, 21 and 22 of township 16? A. Yes, sir.

Q. Do you remember then of admitting to him that you did not fully know where you were cutting, nor on which lot you were then cutting? A. Well, we did not know for certain until the lines were run—only by his direction; Lynch then did not claim we were on State land.

Q. Is this Dan Lynch a brother of E. P. M. Lynch? A. No, sir; I think he is a cousin or uncle, some relation.

Q. Well, Mr. Durfee swears that from lot 20 of township 16 there had been cut during the year 1894 276 trees and the logs taken away, and that of this number there were 273 cedar, 2 hemlock and 1 spruce; that cutting was done by you, was it not? A. No, sir.

Q. Was anyone else engaged in lumbering on lot 20 besides yourself? A. Well, I don't know of anyone there; there might have been, though; but I certainly never sold a cedar log or cut one in my life or piled one or ever moved a log off of any of those lots.

Q. You never moved a log? A. No, sir; not up in there.

Q. You did not have the lines of the lot run and you of course can not be certain where you were cutting? A. No, sir; but we did not cut any cedar.

Q. Well, Mr. Durfee says under oath that the cedars were large; some of the stumps measuring nearly three feet; while many others were nearly as large and that the trees were cut while growing, as shown by the stumps and foliage? A. That is not so, that is certain.

Q. Were you engaged with your men all the time upon that job? A. Mostly all the while.

Q. It has been said that from lot 21 in which the State owned an undivided one-half interest, there has been cut during 1894, spruce, balsam, hemlock and pine, 4,124 logs all together? A. That is what we cut.

Q. It is said that from lot 22, which is wholly State land, there has been cut during the same time this past year of the same kind of trees, 1,075 logs, which are now piled on the lot, besides some logs scattered which have not been piled; do you know of that? A. Well, I don't know; no, sir.

Q. Those trees were cut by you if by anyone? A. They must have been; but I did not think we cut so many logs or piled them.

Q. How many logs do you think you had cut altogether? A. I thought I had cut 4,200 or 4,300 in all.

Q. That is the lumber you cut from lot 21; it appears from actual count that you had also cut 276 trees from lot 20 and 1,075 from lot 22; you remember admitting to Mr. Durfee that you had not had the lines of the lot run and that you did not know where you were cutting? A. I did not exactly know.

Q. Don't you know that the cedar logs from lot 20 were taken to North Creek? A. I do not know; I never heard.

Q. You never had heard of that? A. No, sir.

Q. Did Thomas Powers say anything to you with reference to the logs you had cut from lots 20 and 22? A. No, sir.

Q. What did you ever pay Powers? A. Not anything.

Q. Did you ever get from him permission to enter upon State lands? A. No, sir.

Q. Did you ever solicit it from him? A. Yes, sir; I did not ask him on this last job.

Q. And he gave you permission? A. No, sir; not to cut any State logs; I asked him different times whether the lot was State or not; I never had a map.

Q. What did Powers tell you when you asked him for permission to cut from State lands? A. I never asked him for permission.

Q. Well, for any permission that you asked from him? A. All that I ever asked of him was whether such a lot was State or not; when we were lumbering for Knapp and had to pay for them that year we inquired of him the next.

Q. What did he say? A. He said they were not.

Q. Which lots? A. Those three that we lumbered on; I forget the numbers now — it has been so long since.

Q. Now, more than the southerly half of lot 118 of township 26 belongs to the State, does it not? A. Yes, sir.

Q. During the spring of 1894 did you and John A. Owens cut the trees on the 126 acres in the southerly half of that lot 118? A. I don't think so; there were 26 acres.

Q. One hundred and twenty-six acres? A. That is, all we bought from him is 26 acres.

Q. What 26 acres? A. It was in the north part, I think; he had it surveyed out.

Q. In the north part of 118? A. I think so; I would not be sure.

Q. Well, do you remember being engaged in lumbering on lot 118? A. Yes, sir.

Q. In the spring of 1894? A. Yes, sir.

Q. How long were you there and what timber did you cut and for whom and under what contract? A. Well, we bought the logs from Bob Dougherty and gave him \$50 for them and he had the logs mostly cut. We were there about a week or eight or nine days, something like that.

By Mr. WAGSTAFF:

Q. That is on this 26 acres? A. Yes, sir.

Q. Well, how many logs did you take out of that 26 acres? A. One hundred and sixty-one markets.

Q. What was the character of the timber you took out? A. Spruce.

Q. Entirely? A. Yes, sir.

Q. Was that all the spruce on the 26 acres? A. Yes; there were some smaller ones, but it was late in the spring.

Q. What is the average number of spruce trees to the acre, about? A. Well, they calculate about 15 markets to the acre, first cut.

Q. Was this the first or second? A. Second.

Q. How many of the second cut? A. Six or seven to an acre; it depends all upon the ground; some places there is quite a good second growth, and other places there is not any.

By the CHAIRMAN:

Q. Do you remember that your attention was called to the fact of the State owning the land where you were cutting timber on Lot 118? A. No, sir.

Q. Do you remember replying that you had bought 26 acres out of 126 acres of State land from Bob. Dougherty, of Olmsteadville? A. Yes, sir.

Q. Now, don't you remember being told that the land was State land? A. Yes, sir; after we had got done cutting.

Q. And by whom was your attention called to that trespass? A. By Powers; the logs we sold to Johnson, and he kept the stumpage out of us; he claimed that they were State logs, and he claimed he had to pay 30 cents a market for them.

Q. How did you come to lumber on lot 118? A. I bought the logs from Bob. Dougherty.

Q. From Patrick Dougherty who is commonly called Bob. Dougherty? A. Yes, sir.

Q. Did he tell you? A. He told Owens; it was Owens that done the piling; he knew where the lines were; I drewed the logs and he done the piling.

Q. He directed the cutting? A. Yes, sir.

Q. You know that the lands all around 118 are State lands, don't you? A. I do not know.

Q. Did you have any care to prevent encroachment upon those adjoining lots? A. I told Owens to be very careful to see that he did not get over.

Q. Did you have any contract with any other person other than Bob. Dougherty with reference to the timber you cut from lot 118? A. We did not have; I spoke to Powers about it when we first bought it to see if it was State land; Powers looked at his book and he claimed that it was not; that there were 26 acres there that the State did not own.

Q. Were the 26 acres divided? A. They were measured out, yes, sir.

Q. What else occurred? A. Afterwards they made us pay for stumpage.

Q. It appears then that you had entered upon State lands in that lot, and you admit that fact? A. I did not know whether we were on State lands or not, but they made us pay.

Q. How much did you cut? A. One hundred and sixty-one markets they made us pay for.

Q. Who did you pay that to? A. Kenyon & Baldwin kept it out of Johnston, and Johnston kept it out of us; Johnston did not pay us all up; then he failed and would not pay up, and then we sold Kenyon a few hemlock and he turned around and made us pay it over again—kept the money out.

Q. Do you remember about a year ago having sold Andrew Johnston, of Olmsteadville, about 1,250 markets of one measurement and 190 of another? A. Yes, sir.

Q. Where did that timber come from? A. I do not know as there were that many.

Q. Andrew Johnston swears that he bought of you about 1,250 markets of one measurement and 190 of another? A. That came from lot 120; 1,250 markets; there were 30 markets across the river—there were something about 30 markets—the 190 markets came from 118.

Q. Do you remember having told Mr. Johnston that the 190 markets came from State land? A. No, sir.

Q. Well, if he swears that you did tell him that, what would you say? A. Well, he can not swear that I told him that; I never said it.

Q. Are you certain that the 190 markets did not come from State land — did not this 190 markets come from lot 118 of township 26? A. Yes, sir; there were 30 markets across the river.

Q. Well, with the exception of the 30 markets across the river, didn't the balance come from lot 118? A. Yes, sir.

Q. And you were charged with having taken that timber from State land? A. Yes, sir.

Q. And you admitted the fact to Andrew Johnston? A. No, sir.

Q. Whom did you admit the fact to? A. I did not admit it; I don't think it was I.

Q. You say so now? A. I don't think it was State land; all of it could not have been, for he owned 26 acres.

Q. Well, there was no separation of the timber that you got from the 26 acres from that which you cut from the remaining land of that lot which belonged to the State, and you were charged therefore with having cut the entire quantity from the State land; now you say that you never paid stumpage or paid any fines for that trespass? A. Yes, sir; we did pay fines.

Q. To whom? A. Kenyon & Baldwin; they paid the State and they kept it out of us this spring.

Q. When did they pay the State? A. They claimed they paid it last winter or spring some time.

Q. Do you know how much? A. Thirty cents a market they kept out of us; they claimed that is what they paid.

Q. Of what amount altogether? A. Something like \$40.

Q. Well, Mr. Johnston says that he has never paid any stumpage or penalty for the 190 markets that you took from the State land on lot 118? A. Well, Kenyon had to pay it, and they could not get it out of Johnson, so they kept it out of us.

Q. Johnston says he bought that timber from you? A. He did, but he sold Kenyon logs afterwards and Kenyon kept it out of us this last year; we sold him 140 markets of hemlock.

Q. Do you know of John Owens having done any timber cutting on lot 118 except in partnership with you? A. I don't know, but I think he did; I would not be sure.

Q. Were you ever warned by Thomas Powers that the timber you had taken from lot 118 was State timber? A. Yes, sir.

Q. Did you do any cutting from lot 118 after being warned by Powers that you were on State land? A. No, sir.

Q. Do you know of John Owens doing any cutting there after you had received that warning? A. No, sir; he did not—not while we were together.

Q. Did he do it on his own account? A. I don't know.

Q. When did you receive that notice? A. I did not receive it until the next spring or summer after that.

Q. The spring of 1895? A. Eighteen hundred and ninety-four, along some time during the summer or spring.

Q. Of what size timber was that which you took from lot 118? A. I think it took something like four or five for a market—about five; I am not sure.

Q. Was that timber that you cut from lot 118 removed? A. Yes.

Q. Well, did you make a clean cut of all the timber as far as your work extended? A. Well, the smallest timber was not cut.

Q. Do you remember having been found by Mr. Durfee while you were cutting on lot 118? A. I remember of Mr. Durfee speaking about it—not while we were cutting on that lot.

Q. Before or afterwards? A. Afterwards.

Q. How long afterwards? A. They were cutting in March, I think.

Q. Don't you remember Mr. Durfee seeing you and Mr. Owens and about ten other men busy cutting and piling the logs on lot 118 of the 26th township? A. No, sir; I don't remember it; I don't think that he saw us; I would have seen him; I certainly would.

Q. Do you remember his inquiry of you as to whether you did not know where you were cutting, and that you admitted that you did not know what lot you were on? A. On 118?

Q. Yes. A. No, sir; I do not; I don't remember of ever seeing Mr. Durfee while we were cutting on that lot.

Q. Don't remember of seeing him at all? A. No, sir; he never was there while we were there, because I would have heard some one speak of it if he was.

Q. During the spring of 1894 you cut spruce timber on lot 118 of township 26 of the Totten & Crossfield patent? A. Yes, sir.

Q. On the southerly half of that lot or in the 126 acres of State land? A. Yes, sir.

Q. You cut about 400 trees? A. Yes, sir.

Q. One hundred and sixty-two markets or about 110 counts, as I understand; is that the fact? A. I could not say; it must be though.

Q. Didn't you sell these trees or logs to Andrew Johnston of Minerva? A. Yes, sir.

Q. For \$1.30 per market? A. Yes, sir.

Q. Delivered at North river? A. Yes, sir.

Q. And you bought the trees standing of Bob. Dougherty for \$50? A. Yes, sir; there were a good many of them cut but not piled.

Q. Did Dougherty tell you what his title was? A. He claimed that he had bought it from Hank Bradley, I believe.

Q. Now you have worked in the woods for a number of years, and are you not familiar with the marks of trees which indicate the lines between the lots? A. Yes.

Q. Would you admit your ignorance of them? A. Yes, I am ignorant of any of them that have not been plainly marked.

Q. Were you ever prosecuted for trespass on State lands? A. How; made to pay?

Q. Yes. A. Yes, sir.

Q. How much and when? A. We were made to pay that time we cut on 43 and 29; we were made to pay something like \$200 or a little over.

Q. To whom? A. Knapp & Faxon; they paid the State and they kept it out of us.

Q. Is that the only occasion? A. No; we were made to pay the last time for those 161 markets.

Q. How much did you pay them? A. Some like \$40.

Q. To whom? A. Kenyon & Baldwin.

Q. Do you know whether these payments have been made? A. I do not.

Q. Did Johnston ever make any payment to the State? A. I don't know.

Q. Did Kenyon & Baldwin? A. I don't know only just what they say.

Q. You took their word for it and paid it? A. Yes, sir.

Q. Are the lots to which you have referred in this testimony the only lots upon which you have been engaged in lumbering during the last five years? A. I think so; yes, sir.

By Mr. NILES:

Q. At the time you sold those logs to Andrew Johnson did you tell him that they were taken from State lands? A. No, sir; I did not think they were taken from State lands myself.

Q. Didn't you know at the time that you had taken that timber from State lands? A. No, sir.

Q. Was it ever told you by any one that you could fix matters up by seeing Powers? A. No, sir.

Q. Didn't Powers tell you that you could fix it up? A. No, sir; Powers always told me to be very careful.

Q. I mean after they were cut? A. Yes, sir; after those 160 markets were cut he said he would see about having it settled up; he claimed that it was down on his books when we went in as not being State property, but after we had gone in and cut it had become State property.

Q. Did you ever see Powers and make an attempt to get these logs on lots 20, 21 and 22? A. No, sir.

Q. Now, were not the boundaries of lot 118 clearly marked? A. Well, I could not say; Owens had been lumbering up in there, and he was acquainted with the woods up in there, and I did not pay any attention to it; I drew the logs.

Q. You did not care whether you cut on State land or not? A. Yes, sir; I did not want to touch any State lots.

Q. Do you know why Mr. Powers stopped your cutting of timber on lots 20, 21 and 22 of township 16? A. Yes, sir; because he claimed it was an undivided lot.

Q. Did you, after you had purchased the right to lumber there, attempt to have that lot subdivided? A. I asked Lynch to survey it; Dan Lynch.

By the CHAIRMAN:

Q. For what purpose would that survey be made? A. So that we would keep off of those other lots.

Q. Do you claim that you had a right to lumber upon land that was owned jointly by the State with some other person? A. No, sir; I did not know what shape the lot was in; I did not understand it.

Q. Do you claim that you have a right to lumber upon land owned by the State? A. No, sir.

Q. Or by the State jointly with some person? A. No, sir.

Q. Wherever there is an undivided interest owned by the State in any lot, can you take timber from it, according to your understanding? A. No, sir.

Q. And if you do, then you are trespassing upon State lands? A. Yes, sir.

By Mr. NILES:

Q. Do you know what is known as the 15-acre lot? A. No, sir; I never heard of it before.

Q. Don't you know the 15-acre lot included in lot 118, township 26? A. No, sir; there is 26 acres he claimed; I had not heard anything about 15 acres.

Q. Who is this Patrick Dougherty? A. He is a resident of Olmsteadville.

Q. What is his business? A. He is a carpenter by trade — he has lumbered some.

Q. Is he a man of wealth? A. No, I don't think he is.

Q. Is he a large owner of lands within the Adirondack region? A. No, sir.

Q. Is he a man of business capacity? A. No, sir; I do not think he is.

Q. Is he a man of good reputation — business reputation? A. Well, fair.

Q. Had you ever heard of any difficulties that had occurred between him and the State authorities? A. No, sir.

Q. Didn't you know that he had been prosecuted several times for stealing State timber? A. I never heard of it.

Q. What title did he pretend to sell you in the 26 acres of lot 118? A. He claimed that he had bought it from Bradley.

Q. Did he show you any evidence of his title? A. He did not; he showed me a part of a map — description of the lot that they had sent him from the Comptroller's office or somewhere.

Q. Who is this Henry Bradley? A. A resident of the town of Olmsteadville.

Q. What is his business? A. He works for Durant most of the time; he keeps a store there; he had something to do with the State I think; I think he held a State office.

Q. Is he a man of wealth? A. Yes, sir, I should think he was.

By the CHAIRMAN:

Q. How much are you worth? A. I ain't worth anything now.

Q. You appear to be able to lose a thousand dollars on a job without feeling it? A. Well, I felt it; I did not have money enough to pay it up; there is a store bill back yet; I had six or seven hundred dollars; what I earned last winter and this I am trying to pay off with.

By Mr. WAGSTAFF:

Q. Are you going to lumber this fall again? A. No, sir, I do not think I am.

By Mr. NILES:

Q. Have you any contracts now existing for taking timber from the Adirondack preserve? A. No, sir.

By the CHAIRMAN:

Q. Have you ever done any work for John J. Wakely? A. No, sir.

Q. Or for Patrick Moynehan? A. Yes, sir.

Q. Where was that done? A. Lots 16 and 17, township 16.

Q. When was it done? A. In 1889, I think; I could not say as to those lots exactly.

Q. Was that contract in writing? A. No, sir; verbal.

Q. What were the terms of your contract? A. We were to get 90 cents a market for putting in the logs; there wasn't only a few of them.

Q. What timber did you cut from those lots? A. Hemlock mostly.

Q. How many? A. About 1,100 markets of hemlock and spruce; but there wasn't but very few spruce.

By Mr. TEN EYCK:

Q. Now, as I understand it, you lumbered in township 26 on lots 1, 27, 46, 45, 44 and 51? A. Yes.

Q. And also on lots 32, 41 and 40? A. Yes, sir; those three lots.

Q. And lot 118? A. Yes, sir.

Q. This is all township 26? A. Yes, sir.

Q. Now, did you know that all of those lots adjoin State lands? A. I was not sure of it when we were there at the time; I thought they were.

Q. Did you ever get over the line on any of those lots while you were cutting? A. Not any of them, except 43 and 29.

Q. Who notified you that you were on 43 and 29? A. No one while we were cutting.

Q. Afterwards? A. Afterwards Mr. Powers and Mr. Burke.

Q. Came up there? A. Yes.

Q. What did they do? A. They surveyed the lot and found that there was some cut there.

Q. What did they do then? A. They made us pay; Knapp & Faxon of Chester claimed they paid it.

Q. And you paid them? A. Yes.

Q. That is all you had to pay for in township 26? A. Yes, and in 118.

Q. You cut on State lands in 118? A. Yes, sir.

Q. Is that where you have got the 26 acre piece? A. Yes, sir.

Q. Who notified you that you were on State lands there? A. No one, until after the logs were cut and piled.

Q. Who notified you then? A. Powers, and I don't know but what Lynch and Durfee spoke of it first.

Q. What did Powers do after he notified you? A. They settled it up some way and they made us pay.

Q. Who made you pay? A. Kenyon & Baldwin.

Q. In township 16, where did you cut — how did you cut on lots 20, 21 and 22, township 16? A. Well, the lines were not run; I am not sure that we cut on all of those lots.

By the CHAIRMAN:

Q. It appears that a considerable quantity of timber was cut immediately adjoining where you were cutting on lot 21 running over on to lots 20 and 22, and of course that timber from lots 20 and 22 was cut by you at the same time that you were cutting the logs on 21? A. It must have been.

By Mr. TEN EYCK:

Q. Well, if you cut any timber on lots 22 and 20, did you know that the State had a half interest in that lot? A. I did not know.

By Chairman WILDS:

Q. You were told that? A. Well, I thought they owned the north half.

By Mr. TEN EYCK:

Q. You thought that it was subdivided? A. Yes, sir.

Q. Did you intentionally cut upon any State lands? A. No, sir.

Q. And if it was cut upon State lands, was it done innocently or did you know that it was State lands? A. It was done innocently.

Q. After it was cut did you have to pay for any of that stumpage? A. No, sir; the logs are there yet.

Q. Who stopped you cutting? A. Tom Powers, Lynch and Duffee were there the next week; he said we had better cut roads until he came up that next week.

Q. Do you know of any case where Powers has known of the cutting of timber on State lands and has refused or neglected to prosecute or make them pay for it? A. Well, I don't know.

By Mr. WAGSTAFF:

Q. Are you and Thomas Powers friendly? A. Friendly — no, sir; we are friendly enough, but I am not acquainted with the man at all.

By Mr. TEN Eyck:

Q. Did you ever cut any timber from the State lands that you did not have to pay for except those that are now on the lots you speak of on lots 20, 21 and 22? A. I don't know of any.

Q. Do you know of Powers ever having given anybody permission to cut upon any of the State lands? A. I do not.

The committee then stood in recess until 2 P. M.

The committee resumed its session at 2 P. M.

WILLIAM L. KELLOGG, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. You reside where? A. In the town of Minerva.

Q. What is your business? A. Farmer.

Q. Do you now, or have you at any time, held any town, county or State office? A. I don't now; I was town assessor once for three years.

Q. When was that? A. It was so long ago that I can hardly tell; it was eight or nine years ago; I think I was elected in the year 1885; spring of 1885.

Q. And served three years? A. Yes, sir.

Q. Eighteen hundred eighty-five, 1886 and 1887? A. Yes, sir; I think that is it.

Q. Do you know John Owens and Charles Callahan of the town of Minerva? A. I do.

Q. Do you know of their having cut any timber from any lots of township 26 in the year 1894? A. That was last winter; this is 1895.

Q. Last winter would be the winter of 1895? A. I know of their claiming to cut timber there; I was not over the lots at all; they told me they were cutting timber on lot 118 in the 26th township that winter; I asked them where; and they said in such a place; I was not over the land at all while they were cutting it; I did not see them.

Q. Do you know whether they both cut and removed the timber from lot 118, township 26? A. They did some.

Q. To what extent? A. Well, they did not cut over but few acres of it; I don't know how many logs they got; it wasn't but very few acres they cut on; I think they claimed it was 26 acres.

Q. Don't you know that the land they cut the timber on was State land? A. I thought it was State land; they told me that there were 26 acres on it wasn't State land.

Q. Granting that 26 acres of lot 118 belonged to some individual, you know that the rest of that lot belonged to the State? A. Yes.

Q. And don't you know it to be the fact that Charles Callahan and John Owens cut timber from State land on lot 118? A. I know they cut on those 26 acres; I don't know the lines; I know the boundaries of the whole lot, still that lot is cut up in several pieces—several different pieces, they say; of course, if this 26 acres were not State I could not say; if that 26 acres was State I suppose they cut on State.

Q. Do you remember making an affidavit in August, 1894, in which you stated that John Owens and Charles Callahan did during the spring of 1894 cut the trees in the southerly half of lot 118 of township 26 of the Totten & Crossfield patent? A. I do; that was the 26 acres that you speak of.

Q. No, the 26 acres was in the northerly half? A. I did not really understand it that way; I remember making the affidavit.

Q. Do you remember swearing, and will you state whether or not it is a fact, that John Owens and Charles Callahan had their attention called to the fact that the State owned land where they were cutting the timber? A. I remember stating that I asked them if they were not cutting on State land, and they told me no, they were not; that there was a certain piece in there that was not State; and I said, all right, may be it is; if it is, I don't know; I was talking with John,

and he said: "No; there is 26 acres mapped out that we bought that is not State;" I said I supposed it was State; I remember telling him that; but still they claimed that there was 26 acres that was not State.

Q. Do you know of Henry Bradley also having cut timber from lot 118 of township 26? A. I know the winter before.

Q. What winter? A. The winter of 1893; he had men — he let a job — he sold timber in there on that same lot.

Q. To whom? A. Nelson Burto; he wanted to sell it to me; Nelson Burto bought it instead.

Q. Nelson Burto is now dead? A. Yes.

Q. When did he die? A. He died — I forget; but last year, I think; he died up at Long Lake and I remember when they brought him out; but whether it was last summer or last spring I could not tell now.

Q. Isn't it a matter of common rumor and understanding among the people of your town that there are frequent trespasses committed upon State lands? A. That is the rumor.

Q. And isn't it the common knowledge of the people that trespasses are committed? A. It has been for the last year or two.

Q. Such trespasses are often committed with the knowledge and consent of the forester of this locality, are they not? A. I don't know how that is, as far as that; there is folks talk that; I don't know whether he has given consent or not, but that has been the talk.

Q. You have done a little business in that line yourself, have you not? A. I have put in some logs, yes; I never put in any that I thought was on the State; still, I did, once; I bought logs of a man up there once, and had to pay the State for them.

Q. Where were those taken from? A. One hundred and seventeen, township 26.

Q. How many did you take from lot 117 and how much did you pay for them? A. About a hundred markets, I think; I paid 35 cents a log, I think it was.

Q. You mean penalty 35 cents a log for trespass? A. Yes.

Q. To whom did you pay it? A. Lawyer Bevans of Chesterville; he was then acting as State agent.

Q. How much did you pay him? A. I paid him somewhere about forty or forty-five dollars; I think it was a little over a hundred markets.

Q. What year? A. I have got a receipt at home; I have most forgot the year, but I think it was in the winter of 1883 or 1884; I have got a receipt at home for it that he gave me for money I paid him.

Q. Did you cut the logs? A. Yes, I cut them, but I purchased the logs on the lot from E. P. M. Lynch; I paid him in part for them.

Q. Did the State own that lot then? A. They owned a part of it.

Q. Did Lynch represent to you that he owned the logs? A. Yes, he claimed that he owned the logs.

Q. Did he claim to own the land? A. I don't know as for that; he claimed that he owned the logs and I bought them and gave him so much a log; I was to give him 25 cents a log.

Q. What did you do with the logs? A. I sold them to Lemon Thompson of Albany.

Q. For how much? A. For something over a dollar, I think; I have forgotten almost what I got for them; it was a \$1.10 or a \$1.20.

Q. That is pretty far back? A. Yes, that is way back; that is all straight, I guess; they claim that the State took pay for them.

Q. Tell us of other trespasses of which you have knowledge upon the State lands? A. Well, I don't know as I know of any particular ones; that is, that I really know of; I know of others that have been talked about.

Q. Tell us about those? A. Well, they tell us that Joe Mitchell, of Minerva, cut some on 26, but it was way above us.

Q. Is that Joseph H. Mitchell? A. Yes.

Q. And when was that? A. Well, that was two or three years ago; it was two years ago, I guess; it may be not more than a year ago last winter.

Q. Was it not in the winter of 1894 that Joseph H. Mitchell cut on the State lands on lots 102 and 103 of township 26? A. Well, I should think that was pretty near the lots; they lay up pretty near where—(map shown witness); well, that lays up within near where he lumbered; possibly they were the lots; I could not say for certain; I know where he shantied; I was not around his job at all; I was sick that winter and fall, and I was not out in the woods at all; I know they were cutting around in that neighborhood.

By Mr. TEN EYCK:

Q. Do you know anything of your personal knowledge about the cutting of timber on the State lands? A. Well, nothing in particular.

Q. Have you ever seen anybody cut on State lands? A. No, I never have.

Q. Have you been on the lands where the timber has been cut over after the timber was cut? A. I have been over this lot 118 after it was cut last fall; it was after and Durfee and they were in there counting the logs; I went in there when they were counting the logs because I saw the chips laid on the stumps; it is close to my lot — it adjoins my land; I went over there after my calves; I saw those chips laid on the stumps and I didn't know what they were there for.

Q. What is the number of your lot? A. I live in the 25th township just up to the line; I own 50 acres in 49, 50 acres in 48 and 100 acres in 52.

By Mr. WAGSTAFF:

Q. Now, you say in your affidavit that trespass seems to be done upon State lands without fear of prosecution by the State? A. They might have had that in their affidavit; I don't know as they had any fear of the State.

By Mr. NILES:

Q. Do you know where, except in the case of lot 118, trespasses upon State lands have been committed in the vicinity of Minerva, to your knowledge? A. Yes, last fall I went with Daniel Lynch down around 120; we counted some odd trees that were cut; well, some of them were cut in the 16th township and some in the 25th; 120 you know is a corner lot.

Q. Do you understand that is State land? A. Yes; Lynch told me so.

By the CHAIRMAN:

Q. That 120 was State land? A. No, 120 is not State land.

Q. But all around 120 is State land? A. Yes; he told me so.

Q. You found some timber cut from State lot 13 of township 16, and 71 of township 25? A. Yes.

Q. Also State land? A. Yes; we counted 55 spruce trees upon those two lots.

By Mr. NILES:

Q. Had the timber been removed from those lots? A. Yes, they had been removed and gone.

Q. How recently? A. I think it was done in about 1893.

By the CHAIRMAN :

The stumps showed that it was recent cutting? A. Yes, sir.

By Mr. NILES :

Q. Do you recall any others? A. No, sir.

Q. Do you know by whom that timber was cut? A. I think it was cut by Charles Callahan.

By Mr. TEN EYCK :

Q. Do you know? A. He lumbered 120 ; that is all I know about it.

By the CHAIRMAN :

Q. The trespass upon the lots adjoining 120 of the 26th township was immediately adjoining the cutting that was done on lot 120? A. Yes, sir ; right around.

Q. And done at the same time as evidenced by the character and condition of the stumps? A. Yes, sir ; that is the way we looked at it.

By Mr. NILES :

Q. Now, Mr. Kellogg, what do you think is the feeling of the majority of the people of the section where you reside in regard to these forest depredations ; do they wink at it or are they opposed to it? A. They are opposed to it, most of them, but a great many do not care.

Q. Do you think any large number of them are engaged in the committing of these depredations? A. I do not think there are.

Q. Do you think the depredations are confined to a comparatively few men? A. I think so.

By Mr. TEN EYCK :

Q. Do you think a great many of them are wilful? A. I think some of them were done wilfully.

Q. What ones do you think were wilful? A. I think those logs cut around 120 ; I think they knew they were cutting them off State land.

By Mr. WAGSTAFF :

Q. Do you know Callahan A. Yes, sir ; always have known him.

Q. What is his reputation in the neighborhood for veracity and truthfulness? A. Well, he has always considered a very fair kind of a fellow.

By the CHAIRMAN:

Q. What is he worth? A. I do not know as he is worth anything now; it was considered a few years ago that he had probably six or seven hundred dollars; other ways I don't think he is worth a dollar; he has always worked.

By Mr. NILES:

Q. Do you know anything about Powers' connection with these timber depredations there? A. No, I don't know anything particular about him.

Q. Heard any talk about him? A. I heard some talk; I never had much to do with Powers; I always found him square.

By the CHAIRMAN:

Q. Have you ever known of any prosecutions for trespass on State lands? A. I don't know as I know of any in particular; that is, you mean where they have been took for cutting State land?

Q. Yes. A. No.

By Mr. TEN EYCK:

Q. Do you think that trespasses are committed there without any fear of prosecution in that vicinity? A. No, I do not think there is a great many; I think the most of them they have had some excuse some way.

Q. What I mean is, do you think that the people in that vicinity trespass and commit depredations upon the State lands without fear of being prosecuted by the State authorities? A. Oh, I think—I tell you what I think—tell it as I can tell it—I think they have all had some fear of it, still some of them have not had a great fear; they have been willing to venture a little to get along; they have all had more or less fear; I will tell you what I think of it; they have got logs and paid for them without much trouble and they thought they could do it again.

Q. You say the common rumor is that depredations have been committed there? A. That is the rumor.

Q. Do you know of any persons that have ever told you—that he knew of anybody committing depredations on the timber lands of the State? A. I don't know as I have ever had anybody tell me that they really knew it.

Q. Have you any individual knowledge of the fact? A. No, sir; that is, I have had like this as I have said before—

Q. No, no, I want to know if you have ever had any individual knowledge—any personal knowledge of depredations on the State lands? A. No, not any only what I know of and speak of around 120.

Q. Now, have you ever heard common rumor—have you heard anybody in particular charged with the commission of depredations upon the State lands other than those you have spoken of? A. No, not any more than I have spoken of.

By the CHAIRMAN:

Q. Don't the people of your neighborhood know of the timber cutting that is being done all through that section of the town of Minerva? A. Yes.

Q. They know of it—it is a matter of common knowledge? A. Yes, the timber lots; the lots that have been cut; of course they don't know which is State lots and which ain't; they know of course—the talk—they don't know and I don't know but of only a very few lots.

Q. Don't you know that nearly every lot in township 26 is owned by the State? A. They are now, but they have not been.

Q. And have been for a number of years? A. For the last year I know they claimed a great many of the lots.

By Mr. TEN EYCK:

Q. You say here in your affidavit: "Deponent further says that it is talk among the people that trespass upon State lands is treated with indifference and trespass upon the State lands seems to be done without fear of prosecution by the State;" you say that is common talk there; do you know of any such trespass without fear of prosecution? A. I do not know as I know.

JOHN A. OWENS, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. What is your age, place of residence and business? A. Twenty-nine years the 22d of last May, and I reside in the town of Minerva, Essex county, N. Y.; lumbering, and worked in the woods by the day until two years ago, when I struck in lumbering for myself.

Q. During the last five years have you been employed by others? A. Yes, sir.

Q. By whom? A. I worked for Ed. Anderson within the last five years; the last two years I have worked for myself with Robert Dougherty and Charles Callahan.

Q. That is, you worked for Ed. Anderson in 1891 and 1892? A. Yes, sir.

Q. In 1893? A. I worked with Dougherty.

Q. Do you mean that you have been in partnership with Charles Callahan? A. Yes, sir.

Q. Upon what lumbering? A. Well, sir, we put in some logs on the 26th township; 26 acres in back of William Kellogg, same place, was our first commencement.

Q. When was that? A. A year ago last winter.

Q. Do you refer to a job which you had for timber upon lot 118? A. Yes, sir.

Q. Township 26? A. Yes, sir.

Q. Did you, in the spring of 1894, cut spruce timber from that lot? A. Yes, sir.

Q. From the southerly half of that lot or in the 126 acres of State land? A. Well, we cut in that spring the timber off of that 126 acres; from the 126 acres of State land; yes.

Q. How much and what kind of timber did you there cut? A. Spruce timber on 126 acres of it.

Q. How much? A. Oh, 160 markets I think it was.

Q. Did you not cut from there about 400 trees? A. Well, I don't know how many trees; I did not keep track of the trees; we cut 160 markets; I think it would make 400 or 500 trees.

Q. Were there not 400 trees which yielded about 162 markets or about 810 counts? A. I think so.

Q. Did you haul the timber from that lot? A. Yes, sir.

Q. And sell the same to one Andrew Johnson of Minerva? A. Yes, sir.

Q. For how much? A. One dollar and thirty cents a market.

Q. Delivered at North river? A. Yes, sir.

Q. How did you come to enter upon that lot for this job? A. We bought the timber of Patrick Dougherty.

Q. Commonly called "Bob"? A. Yes, sir.

Q. For how much? A. Well, sir, Charlie Callahan gave him \$25, and I allowed him \$24 upon some account that he and I had before.

Q. Do you know what title Dougherty had or claimed to have of lot

118? A. I don't know; we had no contract with him, only he told us he bought of Henry Bradley.

Q. Well, now, you have worked in the woods a good many years? A. Yes, sir.

Q. And you know the marks of trees which indicate the lines between lots? A. Yes, sir.

Q. Are you accustomed to observe those marks and lines? A. Yes, sir.

Q. Don't you know of your having encroached upon State lands? A. No, sir, I do not think we got over the lines a great deal; we kept within the boundaries where we could as well as we could follow the lines.

Q. Were you not charged with having trespassed upon State lands of lot 118? A. We were, after the timber had been cut and put in.

Q. Were you upon State land in cutting that timber? A. I don't know; they claimed it was State land; we were supposed to buy it of the man that claimed to own it and paid for it.

Q. Is it a matter of indifference as to whether the land was really State land? A. I supposed this man owned the timber; I didn't know it was State land; I saw the diagram; Mr. Bradley showed it; there was 26 acres which it was claimed belonged to somebody and did not belong to the State.

By Mr. NILES:

Q. How did this timber lie on the 126 acre tract? A. It was a long strip of land; it was not over ten rods wide.

Q. Running through the 126 acres? A. No, on the south part.

Q. Where do you claim these 26 acres lie? A. Along the south boundary line of lot 118, not over 10 rods wide.

By the CHAIRMAN:

Q. Along the whole length of it? A. Well, it took in 26 acres; I do not know whether it took in the whole length of the lot or not.

Q. What care did you take in reference to cutting the timber on the State lands? A. Well, I cut and skidded the lots.

Q. What care did you take to see that you didn't get over the State line? A. I took all the care I could.

Q. Just state what you did? A. I told the men to be careful not to get over the line.

Q. Did you have a line run? A. Yes, sir.

Q. By whom? A. I don't know who it was; Dougherty showed us the line and told us to keep within the line, and we did so.

Q. Who notified you, and when were you notified that the timber you had cut was on State land? A. Dan Lynch notified me.

Q. When? A. A year ago this fall; 1894.

Q. After the timber was all cut? A. After the timber was all cut.

By Mr. NILES:

Q. Who notified you or warned you during the time you were cutting the timber on State land? A. There didn't anybody.

Q. Are you sure of that? A. There was nobody notified me I was cutting on State land.

By the CHAIRMAN:

Q. You have done some other timber-cutting and hauling in partnership with Charles Callahan? A. Yes, sir.

Q. Upon or from what lot? A. Twenty-one.

Q. Of township 16? A. Yes, sir; we cut it, but did not draw it.

Q. What were the circumstances of your contract for timber cutting on lot 21 of township 16, and with whom? A. We bought the timber of Ed. P. M. Lynch, and was to give him 10 cents a market.

Q. For the whole timber right through the lot? A. For the whole timber, just as it stood — standing timber.

Q. Timber of every kind? A. Timber of every kind?

Q. When was that contract made? A. A year ago this fall; it was made in July or August — July, I think, when the contract was drawn up, and we started in the 1st of August.

Q. How did you locate the lot for your work? A. Well, sir, he told us as near as he could where the lines were, and told us to go in and Dan Lynch would come in and run the lines; we saw Dan Lynch and he agreed to do it; we went in and went on to work, and waited for him; when he did come in, he came in and told us we had no right to be in there and that Ed. Lynch had no right to sell it to us.

Q. Who told you that? A. Dan Lynch.

Q. Why did he claim that you had no right in there? A. He claimed that Ed. P. M. Lynch had no title to it.

By Mr. NILES:

Q. What title did E. P. M. Lynch claim to have? A. He said he bought the timber from Nichols.

Q. Who is this Nichols? A. I don't know.

Q. Ever hear of him? A. Yes, sir; he gave us a contract and we paid \$25 down on it before we went in there.

By the CHAIRMAN:

Q. You paid Lynch \$25 down before you went in there? A. Yes, Callahan did; we were partners.

Q. Is that all the payment you have made on that contract? A. Yes, sir; that is all.

Q. How much timber have you cut and hauled from that lot? A. I have not hauled any; we cut four or five thousand pieces which would make perhaps eight or ten hundred markets.

Q. If Charles Callahan should have stated that there were at least fourteen hundred markets cut from that lot, you would agree with him? A. Well, sir, the logs have never been measured; I think there were somewhere between four and five thousand pieces and the logs run small, and I do not know how many markets they would make; they never were measured and it is just what I think about them; if they were measured it might take a great many more and a great many less.

Q. Were you an equal partner with Charles Callahan on that job? A. Yes, sir.

Q. Did you have any suspicion when you entered upon that lot that you were entering upon State land? A. No, sir.

Q. What is the reputation of Edward P. M. Lynch? A. I don't know anything about his reputation.

Q. You are acquainted with him? A. Yes, sir.

Q. Lived in the same town with him? A. Yes, sir.

Q. Have you ever heard anybody say anything about his honesty and integrity? A. Not before we had dealt with him; we have heard a great deal since.

Q. What is his reputation for honesty? A. Very poor in that town since we had that deal; I think myself it is

Q. How long have you known him? A. Well, he is a great deal older than I am — perhaps 10 or 15 years older; I never was personally acquainted with him until the last 10 or 15 years; since I could remember.

Q. Do you claim to have entered upon that job in good faith? A. Yes, sir.

Q. Have you ever settled with the State for your trespass there?

A. No, sir.

Q. Do you recognize your liability for that trespass? A. I do not know what it would be.

Q. Do you know the penalty for trespass upon State land? A. Well, we paid quite a lot the past year for trespassing; we paid twice three times for the same logs; I don't want to pay any more.

Q. Well, give us the particulars of those matters? A. This 117 of township 26 now claimed by you to be State I bought this of Patrick Dougherty.

Q. The whole lot? A. No, 56 acres of 117; we gave Patrick Dougherty \$50 down before we went there at all; after we got the logs skidded we were to sell them to Andrew Johnston; he claimed that the State owned the logs and told us not to pay Dougherty any more stumpage, but to give it to him; we gave him 25 cents stumpage then.

By Mr. NILES:

Q. How did Johnston claim he was entitled to any stumpage then? A. We were selling logs to him and he kept it back.

Q. Did he claim that on the pretense that he would settle with the State? A. That he would settle with the State, so he kept that money out of us.

By the CHAIRMAN:

Q. How much did that amount to? A. Ten hundred and twenty-six markets and that would amount to \$250 or \$255; they were all cut and skidded at that time ready to draw.

Q. And was that timber delivered to Andrew Johnston? A. Yes.

Q. And has he settled with the State for that trespass? A. I don't know as he did; I had some more dealing with Kenyon & Baldwin and they kept five cents more out for the same timber that I settled with Johnston for a year ago; a year ago I sold this timber to Johnston from lot 117 for \$1.35 a market and paid him 25 cents a market stumpage on this timber.

Q. Because it was State land from which it was taken? A. Yes; and then last fall I went down with Charlie Callahan and skidded about 125 markets of hemlock on some land that he owned, and we

sold it to Kenyon & Baldwin; and when we went down to sell them to them they kept out five cents more on these logs that I sold to Johnston.

Q. How did they do that? A. I don't know, but they did it; they claimed they were not going to give us anything first; they were going to claim the whole 35 cents; they claimed they had nothing to do with Johnston.

Q. Had they bought those of Johnston? A. Yes, sir; but these logs I sold to Kenyon & Baldwin, Johnston had nothing to do with.

By Mr. TEN EYCK:

Q. Did they claim they paid the State? A. They claimed they paid the State.

Q. And Johnston the year before claimed he paid the State? A. Yes, sir.

Q. How many did you have in your employ upon that job upon lot 21 of township 16? A. Well, sir, I do not just remember; there must have been somewhere between 12 and 15 men.

Q. Well, there appears to have been considerable timber cut from lots 20 and 22, adjoining lot 21, on either side of township 16, right along in the neighborhood of where you cut upon lot 21? A. Twenty and 22?

Q. Yes; on lot 20 there appears to have been a quantity of cedar cut on State land and the logs removed? A. I do not know anything about the lines; we were waiting for this Dan Lynch to run them, and he did not come in to help us any.

Q. Now, Dan Lynch claims that there were 276 trees cut and the logs taken away from lot 20 of township 16? A. Well, I don't know anything about that.

Q. He also swears that he followed the lines on lots 21 and 22 of township 16, and found a large quantity of spruce and some hemlock cut on those lots? A. I don't know anything about that, either.

Q. He states, also, that the trees cut on lots 21 and 22 were spruce and balsam, pine and hemlock? A. I don't remember anything about that.

Q. Do you remember his having visited you while you were cutting trees there? A. Yes, sir; a year ago this spring.

Q. In company with D. C. Durfee? A. Yes, sir.

Q. What happened at that time? A. Well, he told us he thought we were on the State, and we had better wait until he had got it sur-

veyed out, and that he would be in the next week and Monday morning he would arrive; so, we quit when he told us that, but he never came.

Q. Now, D. C. Durfee swears that from lot 20 of township 16 there has been cut, during the year 1894, 276 trees and the logs taken away, and of that number there were 273 cedar, two hemlock and one spruce? A. I don't know.

Q. That the cedars were large and some of the stumps measured nearly three feet while many of the others were nearly as large? A. I don't know; we did not draw a log from that part of the country.

Q. Were all of the trees you cut in township 16 upon or in the neighborhood of lot 21 growing healthy trees? A. Yes, sir.

Q. When did you learn that lot 21 was owned by the State jointly with some individual? A. When Mr. Lynch and Mr. Durfee came in there.

Q. Were there cut from that lot No. 21 during the summer of 1894, spruce, balsam, hemlock and pine to the number of 4,124 trees? A. I don't know how many trees it could be; we cut, if I remember right, somewhere between four and five thousand pieces; they would average perhaps two logs to the tree.

Q. What was done with the logs or timber that you cut from that lot? A. They are there yet.

Q. Why haven't they been removed? A. I don't know.

Q. Why didn't you remove them? A. I don't know; they would not allow us.

Q. Who? A. Dan Lynch did first, and we waited because he said he would survey it out, but he never done so.

Q. Who else forbid you besides Dan Lynch? A. Mr. Durfee told us we were on the State; that it was an undivided lot and never had been divided.

Q. It is also reported by Mr. Durfee that on lot 22, which is wholly State land, there was cut during the summer of 1894 of spruce, balsam, hemlock and pine 1,075 logs? A. Well, sir, I don't know where the lines are; we went on as nearly as we could and Lynch was to be -- and run out the lines; Dan himself agreed to do it; Dan told us where the lines were and told us we must keep within them as nearly as we could; if we got over the line, perhaps we did, I did not know it.

Q. Whatever cutting was done upon lots 20 and 22 was done by you at the same time that you were cutting upon lot 21? A. Those cedars you are speaking of?

Q. All those trees? A. I don't think we cut over the line to amount to that much.

Q. That appears to be the fact? A. Yes, that is what he stated; is this timber drawn that they claimed we cut?

Q. No; it is there skidded? A. Well, we must have cut it.

Q. Except that from lot 20 the timber has been removed? A. We never removed any timber.

Q. You may have hauled it on lot 21? A. We may have snaked it over, but we never drewed it on sleighs; we snaked them over the ground.

Q. Well, then, it is a fact that whatever timber was cut on lots 20 and 22 of township 16 were cut by you and Charles Callahan? A. I suppose it must have been if there was any cut.

Q. And that was done in the summer of 1894? A. Yes, sir.

Q. You didn't know where the lines were? A. No, sir.

Q. Did you know that the neighboring lots, that is, lots 20 and 22 were wholly State property? A. No, sir.

Q. Did you make any inquiry? A. No, sir.

Q. Was it a matter of indifference to you whether it was State land or not? A. Well, I didn't want to cut on the State if I knew it, because we were at Mr. Lynch to go in there and survey that lot and wanted him to go in.

Q. Well, you recognized your liability for the trespass you did in there? A. Well, I always tried to keep off the State; I don't know what the liability would be.

Q. You recognized that you had no right to enter upon lot 21 which was owned jointly by the State with some individual? A. He gave us a contract claiming to own it.

Q. Well, did you take a contract from anyone and merely take the man's word that he owned the land or timber? A. I didn't suppose that he would claim to own land that he did not.

Q. What risk is it to him? A. Well, it ought to be; if you make a contract with us to go on State land and we go there, you are holden for it.

Q. Have you attempted to enforce your contract with Edward P. M. Lynch on that lot? A. What do you mean?

Q. Your purchase? A. We went on and cut and skidded our timber.

Q. Have you ever sued him for the damage which he caused you in representing that that timber was his? A. No, sir.

Q. Why not? A. He has been putting us off from time to time claiming he would settle it; we lost so much that we have never been able to do much.

By the CHAIRMAN:

Q. Have you ever consulted a lawyer about it? A. We asked Mr. Shaw about it at Minerva; he is not a lawyer, but knows a great deal of law.

Q. Do you ever propose to prosecute him? A. Yes, sir; when we get around to it.

Q. You are not out of money on that? A. Yes, sir.

Q. How much? A. About a thousand dollars, both together.

Q. On lot 21? A. Yes, sir.

Q. How do you figure that out? A. Well, what money we had when we went in there and what work we put in the job, we were out \$1,500; Callahan was out more than I was; I had about \$300, a good team of horses and harness and rigging; Callahan had about seven or eight hundred dollars; we were out all our work.

By Mr. NILES:

Q. What is the market rate for standing timber? A. Well, it is according to how far you have to draw it; you can get timber from ten to thirty cents a market, standing timber.

Q. You got this at a very low rate? A. It was a good ways from the water.

Q. During how long a period were you cutting on lot 21? A. I think we were in there about six weeks, building shanties and cutting what timber we did.

Q. Was it generally known in the vicinity that you were lumbering on that lot? A. Yes, sir.

Q. Hire all your men from that vicinity? A. Yes, sir.

Q. During all the time you were in there did you ever see the forester, or hear from him about cutting on State lands? A. No, sir.

Q. Did you ever, after the timber was cut, attempt to fix up a settlement with Thomas Powers? A. After we quit skidding we went and saw Powers to see if he could get the lot divided, and he said he would try and help us out if he could; but he never did it.

Q. Did he make any suggestion to you as to how he would help you out? A. No; he could not help us any other way except by dividing the lot.

Q. Was it ever intimated to you that if you paid him money it could be fixed? A. No, sir.

By Mr. TEN EYCK :

Q. What did he say — he would have to consult with his superior? A. He said he would have to see Mr. Fox to give him leave to go on and divide it, and he would do it.

By Mr. NILES :

Q. During the time that Powers was forester did you ever see him around that vicinity inspecting forest lands? A. No, sir.

By Mr. TEN EYCK :

Q. Is this piece way back — hard to get at; is there any mountain trail up to it? A. There is a main road within two miles and a half of the shanties.

Q. Then you have got to go two miles and a half through dense forest to get to this piece? A. Yes, sir.

Q. And there was no road there back to this piece prior to the time you commenced to lumber? A. No, sir; there was an old wagon road there, but we had to cut it out; it was all grown over.

By Chairman WILDS :

Q. Under your contract with Patrick Dougherty was anything stated as to the stumpage that you were to pay for the timber cut from lot 117? A. I was to pay him $27\frac{1}{2}$ cents stumpage.

Q. Was it because of that agreement that Andrew Johnston took out of the amount he was to pay you for the timber you cut and hauled from that lot, 25 cents per stump? A. Well, after he found out it was on the State — after I got the logs cut and skidded, he told me not to pay Dougherty anything; he said these logs belonged to the State and he said he could settle for 25 cents; he said, "If you will allow me to settle it up for you, I can do it to better advantage than you can," and I was glad to do that; he went on and settled up for them.

Q. When you say "put the logs in" do you mean put them in the river? A. Yes, sir.

Q. Then Patrick Dougherty practically admitted to you that you were contracting to cut timber from State land on that lot? A. No, Patrick claims to-day that it was not State land; he says we ought to pay him.

Q. How is it he claims stumpage on the lots? A. Because he owned the timber — claims he did.

Q. Have you ever paid Patriok Dougherty for the timber you cut there? A. I paid him \$25 before I went in at all; that is all we ever paid him; we lost that.

Q. What were the full terms of your contract with Dougherty? A. I was to pay him \$50 before I went in and pay him the rest when the logs were skidded.

Q. What were the rest? A. That was to settle it; I was to pay him up in full.

Q. How much? A. Twenty-seven and one-half cents per market.

Q. In your cutting from lot 118, township 26, you were at work upon your individual account? A. Yes, sir.

Q. Did you know of Charles Callahan having cut timber from that same lot? A. He did not cut anything from that same lot.

Q. From lot 118? A. He and I were partners; he attended to the drawing and I cut and skidded them.

Q. And from lot 118 did you sell to Andrew Johnston 1,026 markets? A. One hundred and eighteen?

Q. Yes. A. No, sir; we sold 1,026 markets from 117 to Andrew Johnston; that was me and Robert Dougherty; Callahan had nothing to do with it then; 167, or eight markets from 118, we sold to Andrew Johnston.

Q. Do you remember a contract having been made between Andrew Johnston and Thomas Powers in reference to the timber from lot 118, township 26? A. No, sir.

Q. Don't you know that it was agreed between Johnston and Powers that Johnston was to pay 25 or 30 cents stumpage to Powers for permission to take timber from that lot, and to take the same from the amount due you? A. I don't know that there was ever any such agreement made.

Q. Don't you know that the agreement was made before any measurement of the timber that you cut? A. No, sir.

Q. Before your delivery of the 1,026 markets? A. No, sir.

Q. Haven't you been engaged in timber cutting and hauling from any other lots than those referred to? A. No, sir.

Q. Have you been idle all the rest of the time during these five years? A. No, sir; I worked for Ed. Anderson.

Q. What did you do for Anderson? A. Drawed logs and skidded them.

Q. How many trees did you cut from lot 118, township 26? A. I don't know just how many; I could not tell you.

Q. It has been reported to us that an examination of that lot shows that in the winter of 1893 and 1894 the trees cut and logs removed numbered 552? A. Well, I wouldn't wonder that it would.

Q. The trees cut were from six to 16 inches on the stump; some of them so small that only one log was obtained, and quite a number of trees were cut which were not removed. Andrew Johnston informs us that while you were cutting on lot 118 of township 26, Totten & Crossfield patent, he was told by one Thomas Powers, the forester, that the timber you were cutting was on State land, and that he made an agreement with Powers to pay 28 or 30 cents stumpage to the State and to take the amount from you, you to go on with the job. Did you know of that contract? A. No, sir.

Q. Did you ever hear of that contract? A. No, sir; it is news to me.

Q. He also states that when measured, after this agreement, there were 1,026 markets taken from lot 118? A. I guess there were not that many markets taken.

Q. He so states under oath? A. I guess he is mistaken.

Q. Well, Charles Callahan testifies to the same effect? A. There were 1,026 markets taken from 117 and about 148 markets taken from 118.

Q. And that is all from 118? A. That is all that I know of.

BENEDICT LAHEY, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. You are commonly known by the name of Ben. Lahey? A. Yes.

Q. And you reside where? A. Minerva.

Q. What is your business? A. I work in a grain store; it is a general freight house for Anderson & Moynehan.

Q. How old are you? A. Twenty-six past.

Q. Have you ever been a lumberman? A. No, sir; I have worked in the lumber woods; but that we call lumbermen I have never been a lumberman.

Q. Have you ever had charge of lumber jobs? A. Yes, sir; I have.

Q. When? A. I think the last was three years ago for the Adirondack Iron Works in the town of Newcomb, for Myron Buttles; he is supern tendent for the Adirondack club up there.

Q. Do you know Henry Talbert of Pottersville, Warren county, N. Y.? A. Yes, sir.

Q. Do you remember having any conversation with him? A. Yes.

Q. In August, 1894, in reference to the timber on 500 acres on lot 21 of township 16, Totten & Crossfield Patent? A. Yes, sir.

Q. What was that conversation? A. I heard him offering to sell some timber in there — I don't know just where — so I spoke to him about it; I didn't know if he had it to see, but I would talk to him about it; he told me he had the agency of it; he said it belonged to some woman in New York; he told me what he would sell for.

Q. I ask you to give me the whole conversation? A. I could not give you just as it was worded.

Q. As near as you can? A. He offered to sell it to me; as to the price I could not say; I know considering the timber he claimed was on it, the price was low; I believe he told me he ought to get between six and eight hundred dollars for the lot, or he would sell it by the market or standard; I told him that before I made any agreements or talked about it, I would go and look at it and see what it was; he said he could give me a clear title, and I said if everything was all right I would buy; I think that was all the talk; that was the substance of it.

Q. Did you follow it up? A. I went over and saw Mr. Durfee; I was a little suspicious of the lot, so I went over and saw him thinking he would tell me it was State land; he showed me on the map that it was an undivided lot; that half of it belonged to the State, and that Talbert or no one had any right to sell.

Q. That all occurred last August or September? A. Yes, sir; the latter part of August or September.

Q. Well, is it a matter of common rumor that trespasses are made upon State lands? A. Oh, yes, I have heard it from this one and from that one, but as far as I know of, I could not say.

Q. Tell us what you have heard on the subject? A. Well, it has been talked by a great many around here that they are on State lands; some have inferred that Powers over there was stealing State logs, and this one and that one was cutting on the State; I never paid much attention to it.

By Mr. TEN Eyck:

Q. Who said this? A. Well, I could not tell you; I don't know

By Mr. WAGSTAFF:

Q. Did you ever hear of anybody having cut timber off the State lands? A. Yes, I heard different ones.

Q. Who did you ever hear? A. I heard Joseph H. Mitchell had cut timber from the State lands; also John Bennett.

By Mr. TEN EYCK:

Q. Who told you that they had cut timber on the State lands? A. No, I could not tell you.

By the CHAIRMAN:

Q. Could you locate the lands? A. To tell the honest truth, I could not tell you.

Q. Could you locate the cutting at this time? A. No, sir; I do not know any more about the State lands over there than you.

By Mr. TEN EYCK:

Q. It is common rumor; people talk about it? A. Yes.

Q. Is to-day? A. Yes, sir, and has been for two or three years.

Q. And you have heard it there very recently? A. Yes.

Q. Now, who have you heard it from? A. Well, there is one in particular I have heard it from; I have heard him say that Joe Mitchell was on the State; he worked for Mitchell.

Q. Recently? A. No, a year ago; but there had not been any lumbering there; they got scared out; my brother, Joe Lahey, told me that Mitchell cut on the State; there are a great many of the men working on these jobs that do not know where they were working, and a great many of them did not care; if I went in there and worked I would not care where it was; at the same time that I went there and talked with Talbert they told me that these boys, Callahan and Owens, were on it at that time.

Q. Do you know of any depredations upon State lands of which Thomas Powers had knowledge of or did not notify them to stop? A. I do not know anything about it.

Q. Why were you suspicious of Talbert's ownership of that land? A. Because there was some of that work going on.

Q. What work? A. Selling land that did not belong to them.

Q. By whom was that done? A. By Eddie Lynch, I believe, and Robert Dougherty was doing it; I heard of it.

Q. You understood that it was a regular business? A. I understood that it was by those two.

Q. Do you know of any land that they sold that did not belong to them? A. I know that Ed. Lynch did.

Q. What case do you know of? A. Well, he bargained with my brother and wrote a contract to that effect, selling him a piece of land in there and the contract was drawn up and signed and he found out within a day or two that it was State land.

ORSON KELLOGG, being duly sworn, and examined by Chairman Wilds, testified as follows:

Q. What is your residence and place of business? A. I live in Minerva, Essex county; I farm it a little.

Q. Mr. Kellogg, is it a matter of common rumor and knowledge that depredations are committed upon timber upon State lands? A. Yes, sir; it is.

Q. Have you knowledge of the methods by which they appear to be committed? A. Well, I have not much knowledge about it; no, I know that is the talk and they have been lumbering there a good deal and there has been a good deal of lumbering on the State lands.

Q. Do you understand that the forester or any State official charged with the guarding of these lands against depredations is in collusion with persons in respect to these depredations? A. Yes, I understand it so.

Q. And will you give us the particulars of such information as you can, bearing upon that subject? A. Well, I know of quite a number that have lumbered there and said they lumbered upon State lands; took a job or bought logs, or something or other; a man by the name of Powers in the State's employ, he sold logs or something of the kind; that is the talk; I could not swear that it was so for certain; but that is the common talk.

Q. Do you know of any other official who is said to have had relations with these contracts for timber cutting on State land? A. I don't know as I have; this man Lynch there has been forester or in some office.

Q. Is that Daniel Lynch? A. Yes, sir, but I never heard anything to amount to anything about his selling or doing anything of the kind.

Q. Well, do you know the methods by which these trespasses are committed; how are they arranged and consummated? A. Well, I don't know; they take jobs of Powers a good deal; let jobs, and I guess, sold some timber.

Q. Do you understand that lumber jobbers take contracts for the cutting of timber upon lands in townships 16 and 26th regardless of whether the lands are State lands or not? A. I think some of them have taken jobs; at least, that is the report — when they knew it was State land.

Q. Do you understand that they are accustomed to bargain with some one assuming to be the owner of the timber upon the State land for the cutting of that timber? A. Yes, sir, and putting it in.

Q. And putting it in the river? A. That is the way I understand it.

Q. Do you know who those persons are who have assumed to own the timber on State lands, and by whom these contracts have been made with timber jobbers? A. I don't know as I can swear to that.

Q. Is Henry Bradley one of them? A. I don't know as Henry Bradley has contracted or not.

Q. Is Edward P. M. Lynch one of them? A. Edward P. M. Lynch I know has sold some timber on some lots.

Q. Is Patrick Dougherty, commonly known as "Bob," one of them? A. He has lumbered some there.

Q. Do you know, as a fact, that they have made contracts with timber jobbers for the cutting of timber upon State land? A. I do not know; I could not swear that Bob Dougherty had.

Q. Haven't you knowledge of Bob Dougherty contracting with John Owens for the cutting of timber upon lot 117 of township 26? A. No.

Q. Haven't you knowledge of Edward P. M. Lynch contracting with John Owens and Charles Callaghan for the cutting of timber upon lot 21 of township 16? A. I have heard that report.

Q. And you do not know of that lot 21, an undivided half of that lot being owned by the State? A. Yes.

Q. Well, you have knowledge of these rumors of trespass? A. Yes.

Q. Have you no particular information concerning the trespasses? A. No, no particular information; I hear talk.

Q. Now, we are advised that you are one of the men of this section likely to be possessed of valuable knowledge in regard to these mat-

ters? A. Well, they made a mistake when they thought so, because I never had anything to do with lumbering; of course, I know something about the land.

Q. Have you any hesitancy about giving full information that you may possibly have? A. Oh, no; I would give anything I had.

Q. Have you any fear of the men of whom you may testify? A. No, sir, not at all; I would tell all I knew about it and I would not tell anything I did not know.

Q. Are the lumber jobbers of the town of Minerva commonly men without property? A. Mostly.

Q. Are the lumber contractors men of property? A. I should think they be.

Q. Is Edward P. M. Lynch? A. No; Edward P. M. Lynch has no property.

Q. Has Bob Dougherty? A. No, sir; neither one of them.

Q. Well, who are the men you refer to as the substantial men? A. Thomas Powers.

Q. He is a lumber contractor? A. Yes, he has quite a lot to do; and Andrew Johnston a merchant there; he bought a great many logs and sold them.

By Mr. TEN EYCK:

Q. Thomas Powers bought logs? A. Yes, he bought logs and had them put in.

Q. Logs that came from State lands? A. That is the report, that they come from State land.

By the CHAIRMAN:

Q. Do you recall your source of information in relation to Thomas Powers taking timber from State land? A. Well, my information is hearsay.

Q. Can you recall your source of information? A. No; it is common talk.

Q. Matter of common talk? A. Yes.

Q. Do you know Thomas Powers? A. Yes.

By Mr. NILES:

Q. How long have you lived in Minerva? A. Forty years.

Q. What have you been doing mostly during that period? A. I kept a hotel most of the time.

Q. Have you traveled over the township pretty well and through Essex county? A. Well, I have been through it considerably; I never traveled in the woods.

Q. Not at all? A. No, sir.

Q. Do you know the location of the State lands in Essex county? A. No, I never been on them.

Q. Haven't you ever been on any of the State lands in Essex county? A. Well, I have been across some; I never was in the woods much.

Q. Well, there is a large section of State land in the vicinity of the town of Minerva? A. Yes.

Q. And it is a difficult matter to travel anywhere without crossing them? A. Oh, you cross them some.

Q. At any time that you have crossed State lands have you noticed any depredations upon the Forest preserve? A. No.

Q. Haven't you seen any section where the timber has been cut from the State land? A. No.

Q. In your experience as a hotelkeeper I suppose you meet a good many residents? A. Yes.

Q. Have you ever heard any conversations in regard to depredations upon State lands? A. Yes; I have heard, more or less, some talk about it.

Q. Would you conclude from such conversations as you have heard that the impression prevails that depredations are committed upon State lands? A. Yes.

Q. Have you ever heard any specific charges against any particular individuals as having committed these depredations? A. Oh, I have heard Powers, as I told you before.

Q. You never heard it charged that Powers himself had taken State land? A. No; I do not know as he did, but I have heard it talked that he sold the logs.

Q. Whom did you ever hear make that statement? A. I could not tell.

Q. Have you heard that statement often repeated? A. Just talk.

Q. Do you recall any individual who made it? A. I could not now.

Q. Have you ever heard anybody else accused? A. I have heard of other people getting logs that was on the State—a man from Chester; I do not recall his name.

Q. Is it the universal sentiment of the people up here to protect and assist parties who commit these depredations? A. No; I think they would not assist them as a general thing.

By Mr. WAGSTAFF:

Q. Now, you have heard these statements from somebody; from whom have you heard them? A. I can't tell.

By the CHAIRMAN:

Q. Would everybody know about it? A. Everybody would talk about it.

By Mr. WAGSTAFF:

Q. Tell us one person? A. I don't know.

Q. Is it so long ago that you would not remember it? A. Well, it is four or five years ago.

Q. Do you meet so many people that you don't remember who told you these things? A. I meet a good many.

Q. You keeping a hotel would know the majority of the people there? A. I have not kept a hotel for four or five years.

Q. During that time didn't you get pretty well acquainted with the people there? A. Yes.

By the CHAIRMAN:

Q. Have you ever known of a prosecution for trespass upon State lands? A. I have heard of their having to pay.

By Mr. TEN EYCK:

Q. Who made them pay? A. I don't know who; Faxon used to have to pay.

By the CHAIRMAN:

Q. Have you any knowledge or information of any favor being shown to any person in respect to logs taken from State lands, as to whether they should pay or not, or as to the amount they should pay? A. No, I don't know as I have.

By Mr. NILES:

Q. Have you ever known of parties selling or attempting to sell the timber on the State lands under the pretense that they were the owners of the timber? A. Mr. Lynch, I think, sold some; whether he owned it or not I don't know.

By Mr. TEN EYCK :

Q. I understand you to say that the forester is in with the trespassers ; whom did you mean by the forester ? A. I mean Thomas Powers.

Q. Have you any personal knowledge that he is in with them ? A. No. sir.

Q. You say it is reported that Thomas Powers takes timber and floats them down the river ? A. I don't know whether he floats them down or sells them to some one else.

Q. Have you any personal knowledge of the fact ? A. No.

Q. You state that you had heard that Thomas Powers sold logs ; whom did you hear that from ? A. I don't know ; that was the talk ; that he bought the logs and sold them.

Q. Have you any personal knowledge of that fact ? A. No, sir.

Q. Do you know whether he sold the logs after somebody else cut them, or did he sell them while they were standing ? A. While they were standing.

Q. But you don't know who said that ? A. No, sir.

BYRON JONES, being duly sworn and examined by Chairman WILDS, testified as follows :

Q. Where do you reside, and what is your business ? A. I reside at Minerva.

Q. You have lived there how long ? A. I have always lived there.

Q. You are a man fifty odd years old ? A. Yes, sir.

Q. What is your business ? A. Farmer.

By Mr. ELDRIDGE :

Q. In your affidavit your business is put down as a merchant ? A. I was, but my son runs it now.

By the CHAIRMAN :

Q. You are said to be familiar with the people within the town of Minerva, and their way of doing business ? A. Well, I am acquainted with the people pretty well.

Q. Do you know whether or not trespasses are committed upon State lands ? A. That is the report.

Q. Will you state what you know on the subject ? A. What I know is just what I hear people say ; I heard Joseph Mitchell say that he was lumbering on State lands and that he got the logs of Mr. Powers ; he lives about three-quarters of a mile from me ; we are well acquainted and that is his statement.

Q. What else have you heard? A. That is common report with reference to lumbering upon the State lands.

Q. About other persons? A. I think I have heard Callahan and Owens mentioned.

Q. They admitted that they lumbered on State lands? A. I don't know as I had any conversation with Owens, but I did with Mitchell.

Q. Everybody knew it? A. Yes, sir.

By Mr. WAGSTAFF:

Q. What sort of an arrangement did Mitchell say he had with Powers? A. He said he bought it of Powers, and was to pay 25 cents stumpage.

Q. Did he say where he was to get the timber from? A. Well, he was lumbering in there close to the Boreas; that was two years ago.

Q. Did he tell you whether he was lumbering on State lands or private lands? A. He said he was lumbering on State lands.

Q. Do you remember the lot? A. No, I do not know as I do; it is 101 or 102, if I am not mistaken.

Q. Did he tell you how much timber he got out? A. I presume he did, but I don't remember.

Q. Did he tell you how much he had paid Mr. Powers? A. No, sir; he said he had paid him for the timber.

Q. But he didn't say how much he had paid him? A. Twenty-five cents.

Q. But how much all together? A. I could not say.

Q. You are understood to have said that it is the common understanding that if the cutting of timber is done by any person who stands in with the gang in control of State affairs, he will not be prosecuted, and although trespass is common and frequent there seems to be no fear on the part of the trespassers; will you state what you know on that subject? A. I have stated what I meant.

Q. Is that the fact? A. That I have stated.

(Question repeated by the stenographer, as follows:)

“Q. You are understood to have said that if the cutting of timber is done by any person who stands in with the gang in control of State affairs, he will not be prosecuted, and although trespass is common and frequent there seems to be no fear on the part of the trespassers?”

A. That was the talk.

Q. Are you friendly with Mr. Powers? A. Well, we are not very friendly; we talk and speak, of course.

Q. You say if they stand in with him on State affairs? A. We understand there that a man had got to stand in with Powers.

By the CHAIRMAN:

Q. Who are the gang referred to? A. I don't know, I'm sure.

Q. What is your understanding? A. My understanding is if I was a good friend of Powers I could have gotten State timber to cut; that is my understanding.

Q. For nothing? A. By paying the same as the others did; 25 cents a log.

Q. Twenty-five cents stumpage? A. Yes.

Q. Are you opposed to Mr. Powers politically? A. Yes, some.

Q. Have you ever had any contest with Mr. Powers, political or otherwise? A. Sometimes I did not vote for him.

By Mr. WAGSTAFF:

Q. Do you know of any case where he ever threatened any man who refused to vote for him or vote as he desired? A. No; just talk.

Q. Do you know of any fact? A. No, I do not.

Q. Do you remember who told you so? A. No, I do not.

Q. Do you know of any one who would be able to post us as to Mr. Powers' behavior in those matters? A. I think Mr. Mitchell would be.

Q. What is his christian name? A. Joseph H. Mitchell, of Minerva

By Mr. NILES:

Q. Have you seen in the neighborhood of your residence evidences of depredations committed upon State lands? A. I think not.

Q. Have you ever seen any State lands which had been stripped of their timber? A. Oh, I might have been across State lands that were stripped of their timber; I presume I have been.

Q. Don't you recall any instance? A. I don't know as I can any particular place.

Q. Do you recall any instance where Powers made any man pay for timber he cut from State lands? A. I don't remember now; I know there was considerable talk about it one spell — I can not state the facts.

Q. Do you know what Mr. Powers's politics are? A. Yes, sir; he is a democrat.

Q. Has he held any local office, except forester? A. I think not; he has been road commissioner.

Q. And for whose benefit do you understand he was using his influence? A. About this timber business?

Q. Yes. A. These men who were supporting him.

Q. For what? A. Running for commissioner.

Q. How long is it since he has been road commissioner? A. I think he is road commissioner.

Q. Is that a very fat office? A. I think not.

By Mr. TEN EYCK:

Q. What is his town, republican or democratic? A. Democratic.

Q. What is your politics? A. I am a republican.

Q. A good republican? A. Yes.

Q. Mr. Jones, do you know the lay of the land in that vicinity so that you can locate the State lands from the lands owned by individuals? A. No, I do not.

Q. But do you know where the lines are? A. Oh, I might some particular lot.

Q. Well, is there any particular lot that you know; now just state to this committee what particular lot you know? A. I think 22, south half, the State owns; I think 15 is a State lot if I am not mistaken.

Q. What else? A. I don't know; I think those are about all I can testify to.

Q. Mr. Mitchell, you say, told you he was cutting from the State lands; whereabouts did he tell you he was cutting? A. I could not say exactly about the lots; it was about 101 or 102, it seems to me, as near as I can remember.

Q. You say that you and Powers are friendly but not particularly so? A. We are not particularly mad at one another; still we are not particularly friendly.

Q. Why? A. Because I did not support him.

Q. You got mad or he got mad? A. Neither of us got mad.

Q. Has he traded with you? A. He has some.

Q. Any unfriendly feeling in that respect? A. No.

Q. Never thought that he ought to have traded with you more than he did? A. No.

Q. On the whole you don't care much about him; that is about the size of it, isn't it? A. I haven't got any particular love for him; still if I saw him in trouble I would help him.

Q. Did you ever hear of any other instance except in the case of Mitchell where Powers had given anybody authority to cut off the State lands? A. Oh, I have heard about it.

Q. Can you name an individual outside of Mitchell that ever told you? A. No, I can't now.

Q. Do you realize that it is a pretty serious charge to say that it is common talk about a man — a State official — that he is in with timber thieves? A. Well, it was the talk.

Q. That was common talk; but you don't remember — ? A. No.

Q. Who was the man that talked? A. Why it was talked with all the town people.

Q. Who are all the town people — that is what we want to get at? A. Well, it was common talk.

Q. Who were those men? A. Mitchell was one of them.

Q. And yet Mitchell and he were in together taking timber off of State lands? A. Yes, but they had a little trouble.

Q. And Mitchell was the only one that ever told you? A. I think I heard Lynch speak about it.

Q. You think — do you know whether you did or not? A. Well, I heard so much I can't tell you all; of course, I was not interested in it at all.

Q. Who were the men interested in it — you have only mentioned one? A. Oh, I heard Lynch talking the most about it.

Q. Which Lynch? A. Daniel Lynch.

Q. Did he give you any case in particular? A. I can't state as he did, he said they were cutting all the time on State lands.

By Mr. WAGSTAFF:

Q. As highway commissioner, did Mr. Powers have the handling of the money for the repairs and construction of highways? A. I think he does.

Q. Are all those appropriations passed upon by a vote of the town meetings? A. I don't know as we have any; we had one and they voted it down.

Q. Do you know whether Mr. Powers used his influence as a State official to get votes in favor of that? A. I don't know.

By Mr. TEN EYCK:

Q. Do you dabble in politics a little? A. Not very much.

Q. Do you go to the polls? A. Yes.

Q. And work for the party? A. I do some.

Q. What is the result of a charge of this kind spread over the county, that he was in with the timber thieves; would it injure him in the locality in a political sense? A. I think it would some.

WESLEY BARNES, being duly sworn and examined by Chairman Wilds, testified as follows:

Q. Tell us where you reside, how long you have lived there and your business? A. I reside in Olmsteadville, Essex county, N. Y., and have lived there 52 years, and my business mostly has been lumbering.

Q. In 1885 and 1886 you were a member of the assembly of the state of New York? A. I was.

Q. What other offices have you held? A. Well, I have been supervisor of the town of Minerva three years.

Q. When was that? A. That was in 1880-2 and 3, I guess; I have held most all of the town offices at different times.

Q. We are informed that you know a great deal about this matter of depredations on State lands; will you tell us what you know about it? A. Well, to my own personal knowledge, I do not know but little about it.

Q. Well, give us that little? A. The most I know about it was in some affidavits that were drawn up that the people swore to last fall; I was called in as a witness to most of them; that is all I know about it; I never went onto a State lot where it had been lumbered in my life; not that I know of.

Q. Then we are to understand that you have no knowledge or information to give in regard to the depredations on the State lands? A. Well, as I say, hearsay evidence; that is all; personal knowledge, I do not know.

By Mr. WAGSTAFF:

Q. Well, you know who told you these things? A. Oh, yes, I know who told me and who swore to what I saw, but as for actual looking up of any trespass that was being done, I never did nor never reported any to anybody.

By the CHAIRMAN:

Q. Do you know anything about the methods by which trespasses on State lands have been committed? A. In some instances, from what I have heard, parties have been on and cut without authority, and in other instances with authority.

Q. From whom? A. Without authority they would have from anybody; but with authority, I understood, from affidavits, that it was from the State agent.

Q. What is his name? A. Thomas Powers.

Q. What affidavits do you refer to? A. I refer to Joseph Mitchell and Andrew Johnston and Joe Lahey's; I was called in as a witness in reference to Mr. Dougherty's affidavit in the settlement between Mr. Durfee and Mr. Dougherty, and also between Mr. Mitchell and Mr. Durfee; I was called in by both Mr. Mitchell and Mr. Dougherty as a witness to the terms of the settlement.

Q. What admissions, if any, have been made by Joseph H. Mitchell of his trespasses upon State lands, of which you have knowledge?

A. The admission was that he had arrangements made before he went on to cut the logs on State lands with Andrew Johnston and Mr. Powers, and that he was to cut and put in the logs for so much a hundred and that Mr. Johnston was to keep out 25 cents stumpage for Mr. Powers, the State agent.

Q. Where was the timber cut or hauled from referred to in that admission? A. I couldn't tell you the number of the lot; it is on the 26th township.

Q. Could you by reference to the map? A. I could not, because I have forgotten the number of the lot he told me.

Q. But you knew it was State land? A. Yes, sir.

Q. When was that admission made? A. Well, Mr. Mitchell stopped and talked with me two or three times about it; the time he made the affidavit for Mr. Durfee was about the first time.

Q. Some time last year in 1894? A. It must have been along the last of September or first of October last year and two or three times since.

Q. What admission, if any, has been made to you by Andrew Johnston? A. Not any.

Q. What knowledge, if any, have you of Andrew Johnston's trespass upon State land? A. The only knowledge I had is what Mr. Durfee had told me of what Mr. Johnston has sworn to.

Q. What admission was made to you by Joe Lahey in reference to his trespass upon State lands? A. Nothing, only what Mr. Durfee told me what the affidavit of Mr. Lahey's was, or the substance of it. Mr. Joseph Lahey never told me anything about it.

Q. Was the affidavit made in your presence? A. No, sir; Lahey's affidavit was not.

Q. What knowledge or information have you with reference to Thomas Powers connection with these trespasses? A. Not anything, only from the affidavits and statements I have told you of.

Q. What knowledge or information have you as to Thomas Powers's methods of enforcing a settlement for trespass upon State lands? A. Nothing, only hearsay.

Q. What is your understanding of his methods according to report. A. Well, according to report, some paid him one price and some another — different prices. Of my own knowledge I don't know anything about it — that is the report.

Q. Do you know how these prices have been regulated, with reference to the character of the timber, or quantity of timber cut, or in what manner — any other manner? A. Well, the idea I had was that it was in accordance with the party that cut it; now I do not know anything about this only from what I have heard; I have always been in the lumbering business, but I don't know anything about any timber being cut on State lands; I have never looked over the State lands; I have been credited with having a great deal to do with the getting up of these affidavits when I hadn't to do with them at all.

Q. Do you know anything personally of the methods by which Thomas Powers has enforced settlement for trespass on State lands? A. I know nothing about it, only by hearsay.

By Mr. WAGSTAFF:

Q. Do you know who told any of these facts — any of their names? A. Edward Lavery, John Bennett — well, the others I don't know as they told me they had a settlement.

By Mr. NILES:

Q. Mr. Barnes, you stated in an affidavit made last August that you had personally informed John H. Burke that Thomas Powers was not straight and was crooked in his transactions concerning State lands? A. I did.

Q. That is a pretty serious charge? A. It is true; that was a year before the Forest Commission was created; I helped draw up this bill in reference to the Forest Commission; Gould from Lewis, Burns from Warren and myself drew up this bill; it was in the winter of 1885 and I knew at that time where Mr. Powers was lumbering on State lands; that was under the Comptroller.

By Mr. ELDRIDGE :

Q. Was Powers a forester at that time? A. No, sir; the reason I made that statement to Mr. Burke, and I made it in the Forest Commission, was after they had appointed him forester, and I told him I thought it was a shame to appoint any such man forester, a man who was implicated more, and more charges against for taking timber off of State lands than any man in northern New York.

By Mr. TEN Eyck :

Q. Had he been prosecuted? A. No, sir; there had been complaints made against him to the Comptroller.

Q. But he never was prosecuted? A. No, sir, not that I know of.

Q. Do you know whether at the time the State had a right to sell timber? A. I know they did not.

Q. You swear that as a positive fact? A. I know that they did not sell the timber that he lumbered.

Q. Do you know that the State did not sell timber to different people at that time? A. I would not say that they did not; I forget.

Q. Do you know as a positive fact that they did not sell the timber to him that he cut? A. I do.

Q. Where was that that he cut? A. On the 25th and 26th township.

Q. What lots? A. I can't tell you the number of the lots now.

Q. You saw it? A. I have been there and saw it.

Q. What did you mean when you said a little while ago that you had never been over any State lands? A. I mean since the Forest Commission was created; that is what I mean; I was lumbering in the same country at that time as agent for the Finch-Pruyn company.

Q. At that time you knew all about the State lands? A. Not all; I knew something about them.

Q. What was that something? A. I knew where some of them were.

Q. Name some of them that you knew where they were? A. I could not give you the numbers of them now.

Q. But you know that he was lumbering on State lands then? A. I do, and I know that the Comptroller sent Ed. Stokes up from the Comptroller's office, and he was lumbering on State land at that time.

Q. You were there? A. I had been there, and I knew where the State lands were.

Q. What were the numbers? A. I can't tell you the numbers.

Q. You had been there, then? A. I have been on every lot on the 26th township.

Q. You were there then? A. I was not there then.

Q. What do you mean when you say you saw him lumbering the timber? A. I did not say I saw him lumbering the timber; I don't mean that I saw him lumbering the timber; I meant that I had been there where he was lumbering.

Q. Mr. Barnes, you were elected from this district on the democratic ticket? A. No, sir.

Q. As a republican? Yes, sir.

Q. Mr. Powers is a republican? A. No, sir.

Q. A democrat? A. Yes, sir.

Q. You and he have had a number of dickers together? A. No, sir.

Q. How far do you live from him? A. Well, I think that it is less than a third of a mile.

Q. Isn't that very near for this section of country? A. No; I have got nearer neighbors than that.

Q. How many nearer than that? A. As many as two, anyway.

Q. Who are they? A. Mr. Johnston and Sutherland, and Mr. Dougherty and Mr. Dornburgh.

Q. Where they do live? A. Right in the village.

Q. Does Mr. Powers live right in the village? A. Not right in the village; a little way out.

Q. Have you ever had any difficulty with Mr. Powers? A. Nothing only running against one another in town offices and politics, and so and so forth; I guess we never had any business together.

Q. And you always beat him every time you ran against him? A. I tried to.

Q. You always did? A. Yes, sir.

Q. What did you run against him for? A. Commissioner of highways.

Q. How many times? A. Once.

Q. How long ago is that? A. Eighteen hundred and ninety, I think.

Q. You beat him that time? A. Yes, sir.

Q. Is that the only office you have run against him for? A. I guess it is.

Q. Was that a pretty hot campaign? A. Very; that is, for a little town and small office.

Q. Stories were circulated about you and he in the campaign? A. I don't know as there were any.

Q. You thought he conducted an honorable and upright campaign against you at that time, didn't you? A. I don't remember of his doing anything unfair or unjust in that campaign.

Q. Did you ever know of his ever doing anything unfair or unjust? A. What do you mean?

Q. What do you mean by unfair and unjust? A. I mean unfair and unjust in a political campaign on the part of the men running against each other — getting out votes for and against each other.

Q. Did you ever hear of his doing anything unfair and unjust either in politics or business transactions? A. In business transactions I do not know as I care about saying anything in this investigation; because Mr. Powers and I are not good friends and I have said that he is dishonest, I don't know as I want it to go in here.

Q. You and Mr. Powers are not on good terms? A. No, we are not; I mean to say that I think that he was not doing just right by the State in the position that he was appointed to, to protect the State lands as forester.

Q. What did he do after he was appointed forester, that he did not do right? A. I told you all I know about it.

Q. What is it that you know — you said that you meant that in the affidavits that he did not do right by the State when he was appointed forester? A. I meant that he had been taking timber off of State lands and complaints had been entered against him.

Q. When? A. Before he was appointed forester, and I did not think it was right and proper for the Commission to appoint him forester to protect the State lands.

Q. That was before he was appointed forester? A. I mean in my talk with Mr. Burke.

Q. You mean he had taken the State lands before he was appointed forester? A. Not in relation to Johnston or Mitchell; that is since.

Q. And that you have no personal knowledge of? A. No, sir, not a particle; I never went on the State lands since he was appointed.

By the CHAIRMAN:

Q. Have you any information of Thomas Powers using the powers of his office for political purposes? A. I do not; only just what persons have told me.

Q. Have you ever known of his use of the powers of his office to influence an election? A. Nothing, only what parties have told me.

Q. Will you give us the names of any who have told you about these matters? A. I will; one was Tim Reagan, Provonchee and Gregory; Provonchee lived on the 30th township; that I only know just what they told me.

By Mr. TEN EYCK:

Q. What did they tell you? A. They told me that if they did not come out and vote as he wanted them, or to that effect, that he would make it hot for them.

Q. How did they tell you that? A. Because I was asking them.

By Mr. NILES:

Q. But you did not threaten to make it hot for them? A. No, I did not.

By the CHAIRMAN:

Q. Did you know of Mr. Powers having threatened to prosecute anyone for a trespass in case of failure to do his bidding politically?

A. I never heard of his putting it as strong as that.

Q. Or anything to that effect? A. Never heard him speak of prosecuting; I will tell you I have heard a good deal of talk of that way, and people have told me, and at the same time I paid no attention to it; I knew more about it at the time than I can tell you now.

By Mr. TEN EYCK:

Q. Will you tell your conversation with Provonchee and Gregory when you asked them to come out, and they told you that Powers had threatened them? A. I could not.

Q. What election was that at? A. Well, we have been opposing one another upon so many elections there that I could not tell you which one or what year.

By Mr. NILES:

Q. Do you remember whether it was since he was appointed forester? A. Since he was appointed forester.

By Mr. TEN EYCK:

Q. Do you know whether it was town meeting or caucus? A. I could not say now for certain.

By the CHAIRMAN:

Q. You are understood to have said that the men who are cutting timber on the State lands will not be molested if they stand in with the gang of which Thomas Powers is at the head? A. That has been the general talk there.

Q. Where? A. At Minerva.

Q. Have you ever been told that Thomas Powers has threatened to make men settle for State trespass if they did not support men and measures he desired politically? A. To that effect.

Q. And if they did so support his men and measures they would not be disturbed in their trespass upon State lands? A. That has been the general talk.

By Mr. NILES:

Q. Do you recollect whom you have heard make either of these statements, Mr. Barnes? A. I have heard Henry Dornburgh; I have heard several say so, but I do not know as I could call them by name.

By Mr. TEN Eyck:

Q. Whom do you mean by the gang with Thomas Powers at the head? A. I meant the fellows in town.

Q. That were opposed to you politically? A. Well, you may call it that if you wish; but, not exactly.

Q. What do you call it—I don't want to call it anything? A. Well, I should call it the gang that were trying to run matters and things in the town of Minerva on one side; you might call the other side a gang.

Q. Did this Provonchee and Gregory come out on your side at this election that you spoke of? A. No.

Q. What did you say to them? A. I told them that I did not think it would make any difference with them.

Q. That is all you told them? A. I might have talked over matters; I told them I would like to have them come, but I did not get them out that time.

Q. You have had them? A. Yes, sir; at different times.

Q. Did you ever give them any consideration when you have had them? A. I do not propose to answer that.

JOHN BENNETT, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. Where do you reside? A. In the town of Minerva over on the west side.

Q. How long have you lived there? A. I have lived there very close to 45 years.

Q. What business are you engaged in? A. Not anything, only farm-raising some little stuff.

Q. Have you been engaged in the business of timber cutting or hauling or logging? A. Nothing, only what I did a year ago last winter.

Q. What was that? A. Well, I supposed it was on my 50 acres until I got them cut.

Q. What 50 acres do you refer to and what lot? A. On lot 75, township 14, of the Totten & Crossfield Purchase.

Q. Where in lot 75, to which you refer, are your 50 acres located? A. Well, I found out after I got the logs cut—I went to a surveyor and I found it was in the southeast corner was mine.

Q. Are you sure? A. That is what he told me; he said I was wrong.

Q. Wrong about what? A. He said that the further end was not mine.

Q. Which further end? A. The west end.

Q. What surveyor was this? A. Sylvester Palmer.

Q. Of Indian Lake? A. Yes, sir.

Q. How much timber did you cut from lot 75, township 14, and when was this timber cut? A. (Referring to memorandum) 1,395 pieces, making 354.39 markets.

Q. By whose measurements was that ascertained? A. J. C. Eldridge.

Q. Of what place? A. Of North Creek.

Q. You do not live upon lot 75, do you, upon your 50 acres there? A. No, sir, I do not.

Q. Does your deed locate your land in that lot? A. I think it does.

Q. Have you it with you? A. Yes, sir.

Q. Let me see it? A. (Witness produces deed made by Oliver Aldous and others to John Bennett, dated 24th of August, 1891, recorded in Essex county clerk's office on the 8th of December, 1892, in liber 104 of deeds, page 15, purporting to convey with other property the southeast corner of lot No. 75, in the 14th township of the Totten & Crossfield purchase, containing 50 acres of land.)

Q. From what part of lot 75 was the timber cut by you? A. It was on the other 50 acres.

Q. Which other 50 acres? A. The southwest corner.

Q. And you ascertained that fact from whom? A. From this surveyor that run it out, Sylvester Palmer.

Q. Did you remove the logs from that lot? A. I did.

Q. Did you know that you had been cutting upon State lands when you removed the logs? A. Yes.

Q. Were you prosecuted for the trespass upon State lands? A. No, sir.

Q. Why not? A. Well, sir, when I found they were not mine I went to Mr. Powers and he told me to pay the stumpage upon them and he gave me a letter to Mr. Eldridge and I took the letter to Mr. Eldridge and Mr. Eldridge read it and he told Mr. Eldridge in the letter to go and mark the logs and measure them and I was to pay the stumpage upon them, and he told me to put them in as soon as he had marked them.

Q. Did you put them in? A. I did.

Q. Did you pay the stumpage? A. Yes, sir.

Q. To whom? A. I paid the stumpage to Mr. Eldridge and he paid it to Mr. Powers.

Q. How do you know? A. He told me he did.

Q. Did you sell the logs to Mr. Eldridge? A. Yes, sir.

Q. What did he pay you for the logs? A. He paid me \$1.35.

Q. And out of that sum you paid him 25 cents.? A. Thirty cents stumpage.

By Mr. ELDRIDGE:

Q. Are you sure that is right? A. I am sure that is right.

Q. You stated in your affidavit that you paid him 35 cents? A. That is incorrect; I paid him 30 cents.

By the CHAIRMAN:

Q. Did you agree with Mr. Powers to pay him 30 cents stumpage? A. Thirty cents stumpage.

Q. Is that 30 cents per tree cut? A. Thirty cents per market standing before you touch it; \$30 a hundred markets.

Q. Well, how much did the stumpage amount to on 1,395 pieces, making 359.39 markets? A. Well, I never figured it; I thought Mr. Eldridge figured them and he told me how much it was.

Q. Did he pay you the balance? A. Yes, sir.

Q. How much did that amount to? A. I could not tell; I did not keep any track of it.

Q. Did you receive it in cash? A. Yes, sir.

Q. When? A. Along through the winter; some of it.

Q. In the winter of 1894 and 1895? A. The winter I put them in; a year ago last winter.

Q. Eighteen hundred ninety-three and 1894? A. Yes.

Q. Was the agreement which you made with Thomas Powers as to stumpage made before the logs were measured? A. Yes, sir.

Q. Before they had been cut? A. No, sir.

Q. Before the trees had been cut? A. No, sir.

Q. Was it made after the trees had been cut? A. Yes, sir.

Q. And you received \$1.35 a market from Mr. Eldridge? A. Yes, sir; I received that, excepting what went to Powers.

Q. And you say there went to Powers 30 cents a market? A. Thirty cents a market.

Q. On this lot of logs? A. Yes, sir.

Q. Is that the only case of trespass within township 14 of the Totten & Crossfield purchase of which you have knowledge? A. Yes, sir.

Q. Had you made any agreement for the sale of the timber from any part of lot No. 75, township 14, before you began cutting the timber there? A. Before I began cutting it?

Q. Yes? A. Well, I did not make any bargain; I spoke to Mr. Eldridge and asked him if he would buy some logs; I told him I had some on my land, and he said "Yes," he was buying logs; I asked him what he would pay for logs delivered in the river, and he said \$1.35; then I went to work cutting.

Q. But you did not make any contract with him then? A. No, not until I got to cutting them.

Q. Did you negotiate with anybody else for the timber? A. No, sir.

Q. Have you since cut the timber from your own 50 acres of lot 75? A. No, sir.

Q. The timber is still standing there? A. Yes, sir; what there was when I bought it.

Q. What was the character of the timber you cut and sold to Mr Eldridge from that lot? A. It was spruce; there might have been 30. or 40 pieces of balsam.

Q. Of what age and character? A. It was second cut; it had been cut over before.

Q. How did the timber measure? A. Well —

Q. Was it good healthy growing timber? A. Some of it was.

Q. None of it was dead timber? A. No, not much of it — not but very little; once in a while a dead tree.

Q. Well, was any of the timber which you included in your sale to Mr. Eldridge dead timber? A. Well, yes, some of it was.

Q. How much? A. I could not tell you; there was once in awhile a tree down; there was very little, but a tree that was dead that was good and sound, I cut it.

By Mr. ELDRIDGE:

Q. Who first notified you or where did you first get your information that you were cutting on State lands? A. It came to me there over in 14, Hiram Roblie; he said it was on State.

Q. At this time you had them all cut? A. Yes, there might have been a few — a couple of days or so.

Q. But you did not know it for certain until you had it surveyed out? A. I did not know it; Fayette Beadleston was working for me and he said it was on State.

By the CHAIRMAN:

Q. When did he tell you? A. When we were working on it and when we got it most done.

Q. Anybody else tell you? A. Not as I remember.

By Mr. ELDRIDGE:

Q. Did you notify Powers himself? A. Yes, I came and met him; he was coming over with a party — Colonel Fox — they were going into the woods.

Q. Did you know Mr. Powers at the time? A. Oh yes, I was well acquainted with him.

Q. Did you go to see Mr. Powers before Mr. Eldridge notified you — did Mr. Eldridge ever notify you that you were on State lands? A. Yes, he came up there and I believe I was gone then; he came up there to tell me.

By the CHAIRMAN:

Q. To tell you what? A. He said he dare not measure them because he thought they were on the State; then I hired a team and

went to Minerva; I met Powers a couple of miles from North Creek and I told him how it was; I told him I cut them and they are not mine and they tell me they ain't and I want to straighten it up; he sent me to Indian Lake again and got Palmer and run it out; my 50 acres, the southeast corner, and it did not go there and Palmer said it was not mine; when we got over to North Creek he told me that the colonel, Col. Fox, was there and some of the Forest Commission were there and going up into the woods; he said I will speak to them, and when he came down he said they hadn't time and he said he was coming out of the woods on Friday and will meet you at North river — no — he came down stairs and told me they would charge me 40 cents stumpage; I said that would be all right if I could do no better; when he went into the woods and came around again to North river I met him there as per agreement and he said he talked with them and they agreed to let me off for 30 cents.

Q. He talked with Colonel Fox? A. Yes.

Q. Mr. Powers then sent you to Palmer the surveyor? A. Yes.

Q. And the surveyor located the place that you were cutting as being on State land? A. Yes, sir.

Q. Did you immediately cease cutting there? A. Yes, sir.

Q. Did you do any cutting after you received information that you were upon the State land? A. I did not.

Q. Have you done any cutting upon that lot since? A. No, sir; not a stick; if I had knowed it was State land, I bet you I would not have cut it then.

The committee then adjourned until to-morrow morning at 10 o'clock.

LELAND HOUSE, SCHROON LAKE, N. Y.,
TUESDAY A. M., August 13, 1895. }

The committee met pursuant to adjournment.

ANDREW JOHNSTON, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. Where do you reside and what has been your business during the last five years? A. I reside in Olmsteadville, town of Minerva, and my business is a merchant running a general store.

Q. Have you also been engaged in the business of buying and selling logs or timber? A. I have bought some logs; yes, sir.

Q. During the last five years what transactions in the purchase of timber or logs have you had? A. Let me just understand you; do you mean whom I bought of?

Q. State the transactions definitely, one by one, and state the quantity in each case? A. I bought in the fall of 1893, I think, about ten hundred and some odd markets from John Owens, and I had some the same fall, I think, it was about four hundred and something, of Joseph H. Mitchell; and I bought of Charlie Callahan, I think, about 1,300 markets.

Q. Are those the only transactions in the purchase of timber that you have had? A. In the last two years?

Q. Five years? A. No, sir; I bought before that of one Patrick Dougherty; I think I bought about a thousand markets of him; I bought of Thomas E. Murphy, or Joseph E. Murphy, which name he goes by, about seven hundred markets the same year that I bought of Patrick Dougherty; that is all I remember of buying.

Q. What was the first transaction within the past five years in the purchase of timber or logs? A. Patrick Dougherty.

Q. What were the full terms of your transaction with Mr. Dougherty in that matter? A. I was to pay him \$1.35 per market when they were delivered in the North river.

Q. Did you bargain with Patrick Dougherty for any definite quantity? A. No, sir.

Q. Did you bargain with him for all he delivered? A. Yes, sir; that winter.

Q. Did you bargain with him for timber cut from any particular lot or lots? A. I think not, sir; I think that the timber that he sold to me was on lots that he bought from the railroad; I do not remember the number of the lots, but he said that he bought the timber from the railroad company.

Q. Did you bargain with him for any definite quantity of markets? A. No, sir.

Q. Was your contract in writing? A. No, sir.

Q. Well, what was your contract, then, as to the quantity he was to deliver? A. My contract was that whatever he got that winter—fall or winter.

Q. You would take? Yes, sir.

Q. And that occurred in what year? A. I think it was in 1892.

Q. How much did he put in the North river under that contract? A. I think it was about a thousand markets.

Q Do you remember how much you paid him under that contract. A. I paid him in full \$1.35 per market.

Q. How much all together did you pay him? A. I could not just state without figuring it up; I think there were about a thousand markets; that would be \$1,350.

Q. Do you know where that timber came from? A. No, sir; I do not; I suppose they came from the lots he claimed they came from — those railroad lots.

Q. Where are those railroad lots located? A. In the 26th township; I think 102 and 103.

Q. Don't you know that those are State lots? A. No, sir; I do not.

Q. Didn't you know that those State lots at that time? A. No, sir.

Q. Township 26 in Essex county? A. Yes, sir; he emphatically told me that they were not; there is no question about that.

Q. In what year was this? A. I think it was in 1892.

Q. You state it was two years prior to your other transactions? A. That would be in 1891 then.

Q. Did you make any inquiry as to whether or not the timber which you took from Patrick Dougherty under that contract was taken from State land? A. I did?

Q. From whom? A. From Mr. E. H. Talbert who had been agent for the railroad company and A. C. Hall.

Q. Did you make any other inquiry? A. No, sir.

Q. What information did they give you? A. They said those lots they sold to Mr. Dougherty were railroad lots and he had a right to the timber and had a right to sell it to whom they saw fit.

Q. Did you have any other evidence or information of the title of Dougherty to the timber on those lots? A. I don't think I did, sir.

Q. Were you ever informed that that timber was taken from State land? A. No, sir.

By Mr. ELDRIDGE:

Q. Do you now understand that it was taken from State land? A. No, sir; I do not; I do not understand that it was taken from State land now.

Q. Was that transaction settled up in the year 1891? A. If it was in the fall of 1891, in the spring of 1892 it was settled when the logs were delivered.

Q. What was your next transaction in timber? A. That same year with Mr. Murphy.

Q. State the terms and particulars of that transaction? A. The terms were the same.

Q. Never mind identifying them in that way; I would like to have you state the terms separately? A. My contract was verbal and I was to pay him \$1.35 a market when delivered in the North river.

Q. What quantity of timber was delivered under that contract and of what character was it? A. It was about 700 markets; spruce mostly.

Q. When was the timber measured under this contract with Murphy? A. As soon as it was skidded that fall before they were hauled to water.

Q. What is the full name of this Murphy? A. Thomas E. Murphy; some call him "Joseph" but his right name is "Thomas."

Q. By whom was the timber measured? A. Well, I don't remember the measurer's name.

Q. Do you know where that timber came from? A. Well, I am not positive; but I was told where he got it and where he bought it; I am not conversant enough with the woods to know.

Q. Give me the information given to you? A. He told me he bought the lot of Mr. Bradley, better known as "Commodore Bradley," and I saw Mr. Bradley and he said he had sold this timber to Mr. Murphy.

Q. Where was the timber cut? A. On what lot?

By Mr. NILES:

Q. What lot did Mr. Bradley tell you it was cut on? A. The lot that he owned in the 26th township, but the number of the lot has left my mind.

By Mr. WAGSTAFF:

Q. Does Bradley own much property in there? A. I think not, only this lot that Mr. Murphy lumbered on.

Q. How many acres were there in that lot? A. About 60 acres.

Q. How many markets did he sell you from that lot? A. Six or seven hundred.

Q. How many trees would that be, about? A. I could not say.

Q. Was it small wood? A. Very small; it took about five, I think, for one.

By the CHAIRMAN :

Q. Did you settle with Patrick Dougherty personally for the transaction to which you have referred? A. I did.

Q. And did you settle with Thomas E. Murphy personally for the transaction to which you have referred? A. Yes, sir.

Q. When was your next transaction in timber? A. My next transaction was with Mr. John Owens; that was in the fall of 1893 and the spring of 1884; I bought about a thousand markets of him; I was to pay him \$1.30 a market when delivered in the North river.

Q. Did you bargain with him about any definite quantity of timber? A. No, sir.

Q. Did you bargain with him for the timber from any particular lot or lots? A. Yes, sir.

Q. To what lots did your contract with him refer? A. The 26th township, lot 117.

Q. Totten & Crossfield purchase? A. Yes, sir.

Q. Did your contract refer to any other lot? A. No, sir; the contract was simply verbal with him.

Q. And your contract was to take all the timber taken from lot 177? A. No, sir; only part; there was about fifty acres that he told me did not belong to the State in the centre of the lot, and that he had bought the timber and wanted to sell them to me, which I bought, after inquiring as to the title of that part of the lot.

Q. Of whom did you inquire and what information did you derive? A. I first inquired of Mr. Orson P. Morse as to the title of that part of the lot; he said a number of years before he had bought that part of the lot and had a receipt for all the timber on that part of the lot; there was no definite time as to when he should remove the timber, and he thought his title was good, and he sold the right to one Patrick Dougherty, and Mr. Dougherty sold the timber to Mr. Owens, and wrote the Comptroller, and the Comptroller either sent him or Mr. Powers a diagram of the lot showing that this part of the lot was not State, and on the strength of that I bought the logs.

By Mr. ELDRIDGE:

Q. Are you positive that it was lot 117? A. I am not positive whether it was 117 or 118; I probably was mistaken; I got the lots mixed up.

By Mr. TEN EYCK :

Q. Can you tell which lot it was by the map? A. No, sir; I could not, because I am not used to the woods at all.

By Mr. NILES :

Q. You know how many acres there are in a lot in township 26?
A. I think 160 acres, but I am not positive of it.

By the CHAIRMAN :

Q. Did you enter upon the land from which John Owens was taking timber under your contract with him to see where he was taking it from? A. I was in on the job once.

Q. Do you know of the timber being cut from State lands on lot 117, township 26? A. No, sir; I do not.

Q. Were you not so informed? A. Not until after the logs, I think, were all cut and skidded and a part of them drawn.

Q. From whom did you receive your information? A. Mr. Powers.

Q. You then acknowledge that that timber was taken from State lands? A. No, sir; I do not, because I do not know that it was.

Q. You took Mr. Powers' word for it, didn't you? A. Yes, sir.

Q. And you acknowledge then that it was taken from State land?
A. Well, I don't understand just what you mean by that; of course Mr. Powers told me he thought it was on State land and I asked him what was to be done about it and he said it was not a wilful trespass, if such was the case that it was on State lands, and he said he would report it to the Commission and it could be settled up.

Q. Did you do anything for the purpose of verifying his claim that the timber was taken from State lands? A. No, sir; I relied upon what he said to me.

Q. And you accepted his statement of the fact? A. Yes, sir.

Q. What arrangement, if any, was made for the settlement of that trespass? A. Well, there was no definite arrangement made at that time.

Q. At any time? A. There was no definite arrangement made until the Kenyon Lumber Company settled the stumpage.

Q. What had the Kenyon Lumber Company to do with the transaction between you and John Owens and the trespass which was thus acknowledged to have been made upon State lands? A. I sold the logs to the Kenyon Lumber Company.

Q. Didn't you make an agreement that you were to pay stumpage upon that timber? A. I think I did, sir.

Q. And what was that agreement and with whom was it made? A. It was made to Mr. Powers at that time; he told me that he thought the stumpage could be arranged for 25 or 30 cents; that it was not a wilful trespass, if it was a trespass and shown to be State lands.

Q. Didn't you do anything in verification of his claim that the land did belong to the State from which that timber was taken? A. No, sir, nothing more than that.

Q. Did you recognize his claim that the land was State land? A. I did at that time.

Q. Did you make settlement accordingly? A. I did.

Q. In accordance with your agreement? A. I did later.

Q. And what did you pay? A. Thirty cents to the Kenyon Lumber Company.

Q. Paid it to the Kenyon Lumber Company? A. Yes.

Q. Were you not to pay Thomas Powers 30 cents stumpage? A. It is possible I did not so understand it.

Q. How is it possible that you did not understand it? A. The State made a demand upon the Kenyon Lumber Company.

By Mr. TEN EYCK:

Q. In the meantime you transferred the logs to the Kenyon Lumber Company? A. Yes, sir.

By the CHAIRMAN:

Q. Before those logs were delivered in the river you received notice from Thomas Powers that the timber had been taken from State land on lot 117, township 26? A. Yes, sir; that is before all of them.

Q. And you then made an agreement with him for the payment of 30 cents stumpage? A. Well, whatever the Commission exacted, if it was 25 or 30 cents; he was not certain what stumpage they would exact.

By Mr. ELDRIDGE:

Q. Then the matter was not entirely closed up though the logs were all in the river? A. Yes, sir, and then they made a demand on the Kenyon Lumber Company and they paid it.

By the CHAIRMAN :

Q. How much of the timber had been removed from the lot at the time of this agreement of yours with Thomas Powers? A. I think the larger part of it.

Q. And had actually been delivered in the North river? A. No, sir; not in the North river — had been delivered on the Boreas river, about a mile from the mouth of the Boreas river in the North river.

Q. And did you then receive authority from Thomas Powers to go ahead and take the rest of the timber from lot 117? A. Yes, sir what was cut and skidded.

Q. Did he also authorize you to go ahead and cut more timber from that lot? A. No sir.

Q. Did you in fact? A. I don't think they did.

Q. Do you know? A. I do not know that they did; I told them not to do it.

Q. Did you make any inquiries as to whether they cut thereafter? A. I did.

Q. What is your information? A. My information is that they did not.

Q. From whom? A. From the boys that worked on the jobs; I don't remember their names now.

Q. Your business on this lot was with James Owens, as I understand it? A. Yes, sir.

Q. What was your contract with him as to payment? A. I was to pay him as fast as the work progressed — so much when they were skidded and so much when they were delivered on the Boreas river, and the balance when they were delivered in the North river.

Q. How much had you paid him when you received notice of the timber being taken from State land? A. I don't remember the amount, but I paid him more than was due him — quite a little at that time.

Q. Did he in fact deliver 1,026 markets under that contract? A. I think that is about the number; I won't be positive about that being the exact number but I think that is the amount.

Q. How much did you pay him for the entire lot? A. I paid him \$1.30 a market for the number of markets.

Q. And did you pay him in full? A. Yes, I paid him in full — let me make a little explanation: When I settled with him in the spring I figured out 25 cents stumpage —

Q. You mean that you deducted 25 cents stumpage? A. Yes, sir.

Q. Do you mean by that that you deducted 25 cents per market?

A. Yes, sir; per market.

Q. Because of the penalties attached to your trespass upon State lands? A. I do not understand it that way, because Mr. Powers, at the time that he notified us that it was State land, said that it could be settled for about 25 cents; it was not a wilful trespass, if a trespass, and I hadn't had any other conversation with Mr. Powers and simply figured the 25 cents with the understanding that if it was more the boys should pay the difference.

Q. What boys? A. Owens.

By Mr. WAGSTAFF:

Q. It turned out to be a trespass? A. I don't know; I am not certain.

Q. You deducted this 25 cents? A. Yes, sir.

Q. From Owens? A. Yes, sir.

Q. What has been done with that? A. It was paid to the State.

By Mr. ELDRIDGE:

Q. You mean that the Kenyon Lumber Company paid it and they deducted it out of you? A. Yes, sir; and they paid it to the State

By Mr. WAGSTAFF:

Q. So you never paid it to the State, but it was taken out of you? A. Yes, sir.

Q. What do you mean in your affidavit that "We made an agreement that I was to pay twenty-five or thirty cents stumpage to the said Thomas Powers, to take the same from the amount due the said John Owens, and the said John Owens to go on with the job;" this was after you were notified by Thomas Powers that you were on State land? A. I don't think that is as I stated it.

Q. You were not notified while cutting by Powers, that you were on State land? A. I think the boys were through cutting.

By the CHAIRMAN:

Q. Had they hauled any timber from the lot at the time you were notified? A. I think they had about half of it on the river.

Q. And the rest was all cut and skidded? A. I think so; yes, sir.

Q. When was the timber measured under that contract? A. It was measured that fall.

Q. Had it been measured at the time of your notice from Thomas Powers? A. I think that a part of it had, sir.

Q. What was the character of that timber? A. Spruce mostly.

By Mr. WAGSTAFF:

Q. Now, about that 25 cents stumpage; you say the Kenyon & Baldwin Company deducted it from you; do you know whether they paid it to the State? A. Nothing more than they told me.

Q. And they told you that they had paid it to the State? A. Yes, sir.

Q. In settlement of this stumpage? A. Yes, sir.

Q. And who arranged that settlement of Kenyon and Baldwin with the State? A. I understand the Forest Commission.

Q. The Commission themselves? A. I think so; I am not positive about it; they said it had been arranged and they paid it.

Q. Who notified the Forest Commission of this trespass? A. Mr. Powers, I presume.

Q. Do you know? A. I do not.

By Mr. TEN EYCK:

Q. He told you that he was going to notify them? A. Yes, sir.

By the CHAIRMAN:

Q. How is it that this settlement was not made by you personally since this arrangement was made by you and Thomas Powers for this trespass? A. I don't know only it drifted along in that way.

Q. Did you give Kenyon & Baldwin any notice that you were to pay 25 cents stumpage? A. I don't think that I did; I don't remember it.

Q. Do you know how they received notice? A. Mr. Kenyon told me he was notified by the Commission.

Q. When was this settlement made by Kenyon & Baldwin, if ever, for this trespass? A. Last January.

Q. January 1895? A. Eighteen hundred and ninety-five.

By Mr. WAGSTAFF:

Q. How much did they deduct from you in this settlement? A. They deducted this 25 cents per market from me and Mr. Owens paid the other five cents, making the 30 cents; they deducted the same amount that I took from Mr. Owens.

By Mr. TEN Eyck :

Q. Mr. Johnston, it was stated here yesterday by a witness that you had been unfortunate and failed ; were you in such a financial condition that you could have paid that 25 cents stumpage at the time it was paid by Kenyon & Baldwin ? A. No, sir.

Q. As you understand it that was the reason that the Forest Commission jumped upon Kenyon & Baldwin, because you were not able to pay it ? A. Yes, sir.

Q. But in your transaction with them you had to settle with them and they deducted it from you ? A. Yes, sir.

Q. Now, you say you made an agreement to pay 25 or 30 cents stumpage to the said Thomas Powers to take the same from the amount due the said John Owens — do you know that was the agreement or was the agreement or conversation that you and Powers had when he first notified you, when he said he would report it to the State and see if it was a trespass and if it was it would be about 25 cents ? A. I don't remember whether that was just the time or not.

Q. I say is that what you meant in this part of the affidavit ? A. I don't remember just.

By Mr. NILES :

Q. You state in your affidavit that you made an agreement with Mr. Powers by which you were to pay him 25 or 30 cents stumpage and that you carried out that agreement with him and that a portion of the money is still due ; now what do you mean by that ? A. I did not think I made such a statement.

Q. How did you make such a statement ; we have your affidavit here ? A. I don't remember it.

Q. Did you pay Mr. Powers any stumpage upon this contract you made with Owens ? A. No, sir.

Q. You are sure about that ? A. Yes, sir, I am sure.

By Mr. WAGSTAFF :

Q. Did Mr. Powers know who you sold those logs to ? A. Yes, sir.

Q. Did you tell him ? A. Yes, I think I did.

Q. What gives you the impression that you told him to whom you sold these logs ? A. Because I think he asked me about that time.

Q. About what time ? A. At the time he notified me they were on State lands.

Q. That was after the cutting? A. Yes, sir.

Q. Had they been hauled and skidded at that time? A. A large part of them had.

Q. There was no further cutting upon that land after you were notified by Thomas Powers? A. I don't think there was any more; I told them not to cut and I think some of the boys afterwards told me there was not any cutting.

By Mr. NILES:

Q. I am refering to your affidavit where you say "While he was cutting the same (this timber that you had bought of John Owens) I was told by one Thomas Powers, forester of the State, that the timber was on State land. We made an agreement that I was to pay twenty-five or thirty cents stumpage to the said Thomas Powers to take the same from the amount due the said John Owens, and the said John Owens to go on with the job"—did you make any such agreement with Mr. Powers? A. I think that was about the talk.

Q. Did you ever pay Mr. Powers the twenty-five or thirty cents stumpage which you agreed to pay him? A. No, sir.

By Mr. TEN EYCK:

Q. But it was paid? A. It was paid to the State by Kenyon & Baldwin.

Q. Was it a written agreement or was it just a verbal conversation? A. Verbal conversation.

By the CHAIRMAN:

Q. Do you know anything about the compensation being paid by the Kenyon Lumber Company? A. Only what I heard; Mr. Kenyon told me and also Mr. Underwood.

Q. What had Mr. Underwood to do with it? A. He was one of the members of the firm of the Kenyon Lumber Company.

Q. George Underwood? A. Yes, sir.

Q. To whom were the seven hundred odd markets which you bought of Thomas E. Murphy disposed of by you? A. Sold to Patrick Moynehan.

Q. When? A. In the fall of 1891.

Q. And what were the terms of that transaction? A. It was to pay \$1.30—I think it was \$1.35 when the timber was delivered.

Q. Had you made the contract with Patrick Moynehan at the same time that you made the contract for the timber with Thomas E. Murphy? A. No, sir.

Q. How long thereafter? A. Probably two months.

Q. Was your contract with Moynehan made before the delivery of the timber to you by Murphy under your contract with Murphy? A. It was, yes, sir; that is, there was only a part of it delivered.

Q. What disposition did you make of the thousand odd markets which you bought of Patrick Dougherty? A. Mr. Moynehan had those.

Q. The same Patrick Moynehan? A. Yes, sir.

Q. What were the terms of your sale of that timber? A. It was \$1.35 per market when delivered in the North river.

Q. And when was that sale made to Moynehan? A. Probably two months after I made the contract with Mr. Dougherty—a verbal contract.

Q. Do you know of stumpage ever having been claimed upon either of those transactions by the State? A. No, sir; never did.

Q. Or on behalf of the State? A. No, sir.

Q. What was your next transaction in timber? A. My next was with Owens.

Q. I say next to that with Owens? A. I think with Charles Callahan.

Q. Will you state the particulars of it and the time? A. That was in the fall of 1893; I had about 1,300 markets of him, and was to pay him \$1.30 a market when delivered in the North river.

Q. Where was that timber taken from? A. I don't know, sir.

Q. Didn't your contract indicate the place from which the timber was to be taken? A. No, sir; when I bought the logs of him he had, I think, the most part of them on the river.

Q. Were you ever informed where that timber was taken from? A. I don't remember that I was; the number of the lots; if I was, I don't remember the number of the lots.

Q. Was it delivered the same place on the river as the timber from lot 117 of township 26? A. It was further down the river, near the mouth of the Boreas.

Q. Don't you know that the timber which Charles Callahan sold to you was cut from State land? A. No, sir.

Q. Was any settlement ever made to your knowledge with the State authorities for the timber that you got from Callahan? A. I under-

stood in the summer, after the logs were delivered, that the State claimed 160 markets that he had got on State land ; but whether that was true, I never knew the fact, only that Mr. Kenyon told me that the State demaeded of them stumpage on 160 or 163 markets.

Q. What had Kenyon to do with your trespass and with your transaction with Callahan in that matter? A. I don't know sir; I supposed the State thought I was in an embarrassed condition and made demand on them to make themselves good for the stumpage.

Q. How was the source of this timber identified to Kenyon in support of the claim for stumpage? A. I don't know, sir.

Q. Did you ever make an inquiry? A. I don't think I did.

Q. Did you make a settlement accordingly with Kenyon for this stumpage? A. Mr. Callahan did.

Q. Had you settled with Callahan in full? A. Yes, sir.

Q. How much did you pay him altogether? A. I think there were about 1,300 markets and I paid him at the rate of \$1.30 a market.

Q. Didn't you buy of Charles Callahan 1,250 markets in one measurement and 190 in another A. It is possible.

Q. And about the same time? A. I think they were all put in together.

Q. But those were the two measurements that were made and reported to you? A. I don't just remember, as to the number, but I think there were two measurements.

Q. Didn't Callahan tell you that that timber was cut from State land? A. No, sir.

Q. Do you remember having so sworn in an affidavit furnished to the Comptroller? A. That is, he told me afterwards.

Q. I am not identifying any particular time of this matter, and my question is as broad as all eternity? A. Well, he did tell me afterwards.

Q. When? A. It was in the summer or spring of 1894.

Q. Was that before or after your settlement with him? A. Afterwards.

Q. And what information did he give you on that subject? A. I don't know that he gave me any particular information.

Q. In regard to the trespass upon State lands? A. I understand you; I don't think he gave me any; only stated that Mr. Powers said he had got over on State lands and cut one hundred and sixty odd markets, and had so reported.

Q. Didn't he tell you that the 190 markets were taken from State land? A. I don't think so; I don't remember that he did.

Q. Don't you remember of having so sworn? A. I don't remember of having so sworn.

Q. Have you had any other transaction in timber, and if so, with whom? A. With Joseph H. Mitchell.

Q. Will you give me the particulars of that transaction? A. I don't just remember now the number of markets I got of Mr. Mitchell, as I haven't any memorandum; I was to pay him \$1.30 a market for whatever he got.

Q. When was this transaction with Mr. Mitchell? A. In the fall of 1893.

Q. Did you buy of him a thousand markets then? A. Possibly it might have been — I don't just remember.

Q. And where was the timber taken from under that contract? A. Well, I don't remember.

Q. Don't you know that it was taken from State land? A. No, sir.

Q. Were you ever notified by any one of its having been taken from State land? A. I think Mr. Powers after the timber was delivered notified me that some of the timber that Mr. Mitchell got was on State land — that is, he so understood it.

Q. Don't you remember having made an agreement with Thomas Powers and Joseph H. Mitchell before that timber was cut? A. No, sir; I did not.

Q. Is it not a fact that before the timber that you bought of Joseph H. Mitchell was cut, you did make an agreement, and with Thomas Powers in respect to that timber? A. No, sir.

Q. Then your former statement in an affidavit to that effect is false? A. It was not true; and let me state right here that that affidavit is not as I stated it to Mr. Durfee.

Q. The affidavit is false then? A. It is not right or true; no, sir.

Q. Is it not true? A. It is not as I stated it to Mr. Durfee.

Q. Do you remember having made such an affidavit? A. Not such an affidavit as that, sir.

Q. We understand that you have made an affidavit that during the past year you bought about 326.81 markets from one Joseph H. Mitchell of Minerva and before he began cutting the same you made an agreement (that is, Joseph H. Mitchell, Thomas Powers and yourself) that Mitchell was to cut the logs, that you were to buy them and

pay Thomas Powers 25 cents stumpage because they were on State land; is that true? A. No, sir.

Q. What explanation have you to make of your former statement on that subject? A. I have, yes: Mr. Durfee came to my store about the 6th of September in the morning and I was very busy, and said to me he would like to get an affidavit from me and I told him I hadn't time; that I was very busy; and he said he would like to get a statement; I said to him, "I will only make a statement to you in the presence of another man;" he said, "you can get any of your neighbors you like;" I went down to the mill and got Mr. Lavery; I made a statement which is not anything like that; Mr. Durfee said, you can step out and when I get it ready I will call you in; he called me in and I asked him if it was just as I stated it, and he said "yes." I signed it without reading it through; that statement there is not as I stated it.

Q. Who is Charles P. Sullivan? A. He is the town clerk.

Q. Is he the notary before whom you made the affidavit?

A. Yes, sir.

Q. Was he present at the time this affidavit was drawn? A. No, sir.

Q. What statement did you make at that time to Mr. Durfee; give me the same fully? A. Well, I don't know as I can fully; I will give it as near as I can; I did not tell him there was any agreement.

Q. Now, never mind telling me what you did not tell him; tell me what you did not tell him? A. I told him, as near as I can remember that Mr. Powers, after Mr. Mitchell had delivered the logs on the river, had been notified that they had been got from State land, this number of markets, and that he had got to settle with the State for it; as to whether it was true or not, I did not know.

Q. Is that all you said? A. That is about the substance.

Q. Never mind the substance; give me the particulars? A. That, is all I can remember; it was some time ago.

Q. Do you remember the transaction itself that you had with Joseph Mitchell and Thomas Powers? A. I did not have any transaction with them at all.

Q. In reference to the timber taken from lots 102 and 103, township 26, of the Totten & Crossfield purchase? A. I did not have any arrangements.

Q. When was any arrangement made by you with Thomas Powers in regard to the timber taken from those lots? A. There never has been any arrangement made.

Q. Are you certain of that fact? A. Yes, sir.

Q. And then your former affidavit to that effect is false? A. Yes, sir; not as I stated, as I said before, to Mr. Durfee.

By Mr. WAGSTAFF:

Q. Was the notary public in your place of business at the time you signed this affidavit? A. I think not.

Q. Where did you go? A. He came over.

Q. Who went over after him? A. Mr. Durfee.

Q. How long did that take? A. It was just across the street.

Q. And during that time you never looked the affidavit over? A. No, sir; he said it was just the same as I stated it in the presence of Mr. Lavery.

By Mr. TEN EYCK:

Q. Was Mr. Lavery present when you made the statement? A. Yes, sir.

Q. Was he present when it was signed? A. I would not be positive about that; I think he was.

By the CHAIRMAN:

Q. Your affidavit further states that the agreement that you made with the said Thomas Powers has been kept; what explanation have you to make of that fact? A. I did not make any such statement.

Q. Your affidavit further states that there is still a balance due him which has not been paid, on that transaction; what explanation have you to make of that statement? A. I have the same explanation; I did not make any such statement to Mr. Durfee.

Q. Now, with reference to that timber and what lots was your agreement with Thomas Powers made? A. I did not make any agreement with him.

By Mr. NILES:

Q. Are you able to read and write? A. Yes, sir.

Q. Is your eyesight fairly good? A. No, sir; not fairly good; I use glasses.

Q. Do you have to use glasses to make your signature? A. Not always.

Q. Did you use glasses on that occasion? A. No, sir.

Q. Will you please describe how this affidavit was presented to you and how you signed it? A. It was just the same as the paper turned over there (indicating); there was the signature.

Q. Did the paper lie there before you on the table when you signed it? A. On the desk; yes, sir.

Q. Did anyone read that affidavit to you before you signed it? A. No, sir.

Q. In the last four lines of that affidavit is this statement: "The agreement I made with the said Thomas Powers has been kept and here is still a balance due him which has not been paid." Do you mean to say that with that affidavit lying before you on the desk, you did not see that statement? A. I do, sir; I did not see it.

Q. Are you positive of that? A. Yes, sir.

By Mr. ELDRIDGE:

Q. How many affidavits did you make? A. Two.

By Mr. TEN EYCK:

Q. What did you make two for? A. Because when it came out in the paper that I had made such and such an affidavit to Mr. Durfee, I knew it was not true and I made another affidavit refuting it.

By the CHAIRMAN:

Q. Were they not made on the same day? A. No, sir.

Q. How far apart? A. About a week; still I am not sure about that.

By Mr. TEN EYCK:

Q. We have two affidavits made on the same day; did you make that affidavit in duplicate? A. I don't remember.

By the CHAIRMAN:

Q. Do you remember of signing your signature twice on that day in reference to your transaction? A. I think so.

Q. Do you know in whose handwriting the body of those two affidavits were written? A. I think Mr. Durfee's.

Q. Both of them? A. Yes, sir, I think so.

By Mr. TEN EYCK:

Q. Why did he say he wanted two — did he give any reason? A. I don't think that he did.

Q. Did you sign two papers there that day? A. I think I did, but I would not be positive about it.

Q. But whatever papers you signed they told you contained the same statement you had made prior to the execution of the affidavit?

A. Yes, sir.

Q. Did you write one or both of these affidavits? A. No, sir.

Q. Did you write either of them? A. No, sir.

Q. Did any one read one or both of them? A. No, sir.

Q. Did anyone read either of them? A. No, sir.

By Mr. WAGSTAFF:

Q. Why did you understand it was necessary to sign two affidavits?

A. I don't remember; he probably gave some reason, but I don't remember it.

Q. Why should there be two instead of one affidavit? A. I did not think there was but one, but possibly there might have been two.

Q. You think that both of them were presented to you by Mr. Durfee? A. They were, if I signed two.

Q. Do you remember whether they were or not? A. I remember if they were presented to me; two of them; it was by Mr. Durfee; there was no one present except Mr. Lavery and Mr. Durfee.

Q. And the notary? A. He came in and signed his name and went right out.

By Mr. NILES:

Q. What did you mean by stating that when it appeared by the papers that you had made this affidavit you wanted to make another to make it straight? A. I wanted to make it straight; I did not want it to be in print that I had made such a statement when I had not.

Q. Then did you make another affidavit? A. Yes, sir.

Q. Do you remember the date? A. I do not; I think it was about — it might have been ten days afterwards.

Q. What did you state in that second affidavit — did you read it — that second affidavit? A. Yes, sir, I said I would not sign such a paper without reading it again.

Q. What did you state in that second affidavit? A. That the statement regarding Mr. Powers and Mr. Mitchell and I making an agreement was not true.

Q. Who prepared that affidavit? A. I think Mr. Charles Coyle.

Q. What became of that affidavit? A. It was given to the Forest Commission.

Q. Don't you know to whom it was given? A. I think it was given to the Forest Commission.

Q. Where did you last see it? A. I think it was in my store.

Q. Did you send it or deliver it to the Forest Commission? A. I think I gave it to Mr. Powers; I would not be certain; I went down to Albany at the same time that Mr. Powers did, but I think I gave it to Mr. Powers.

Q. Did you ever call Mr. Durfee's attention to that affidavit? A. No, sir, I do not think I did.

Q. Did you ever state to him that you made a false affidavit? A. Yes, sir.

Q. When did you make that statement to him? A. Soon afterwards.

By Mr. WAGSTAFF:

Q. When did you discover that you had made a false affidavit? A. I saw it in the paper.

Q. In what paper? A. In the New York Herald.

Q. How long after you made the affidavit? A. About two weeks.

By Mr. NILES:

Q. Who called it to your attention? A. Some of the neighbors brought the paper in and showed it me.

Q. Did you ever have any conversation with Mr. Powers about the affidavit? A. I don't think I ever did.

Q. Didn't he call it to your attention and request you to rectify your affidavit? A. I don't think he did.

Q. Are you sure? A. Quite sure.

By Mr. WAGSTAFF:

Q. What did you do with that second affidavit? A. I think I gave it to Mr. Powers in the store to take to the Forest Commission.

Q. By whom was that second affidavit verified? A. By John Mea, justice of the peace.

By the CHAIRMAN:

Q. Have you mentioned all of the lumber transactions that you have had? A. I think I have.

Q. Do you remember in the spring of 1894 having bought from John Owens and Charles Callahan the timber cut from lot 118, township 26, of the Totten and Crossfield Purchase? A. No, sir.

Q. Will you state that you did not buy that timber? A. Of Charles Callahan and John Owens?

Q. Yes. A. I might have bought some timber from Charles Callahan, but Owens was not known to me in the deal.

Q. You are understood to have bought from John Owens and Charles Callahan the timber cut from lot 118 of township 26, Totten & Crossfield patent, and also to have had your attention called to the fact of the State owning the land where the timber was cut and from which it was hauled? A. Charles Callahan and John Owens?

Q. Yes. A. I do not remember any such deal or any such timber.

Q. John A. Owens and Charles Callahan both swear and have testified before us that during the spring of 1894 they cut spruce timber from lot 118, township 26, Totten & Crossfield purchase; that they cut about 400 trees, which yielded 162 markets or about 810 counts, and that they sold that timber to you? A. Charles Callahan and John Owens?

Q. Yes. A. I never bought any timber from Charles Callahan and John Owens as partners.

Q. They further have stated that they sold the same to you at \$1.30 per market delivered in the North river; is that the fact? A. No, sir.

Q. Did you ever have any transaction with them? A. No, sir.

Q. It has also been testified before this committee that Robert Dougherty and John Owens sold to you the timber which they cut from lot 117, township 26, Totten & Crossfield patent; is that the fact? A. No, sir.

Q. We also understand that you bought of them in that transaction 900 market logs or about that number, and that when the logs were piled you told them that those logs were cut on State lands; is that the fact? A. That was the same transaction with John A. Owens; this Dougherty may possibly have been a partner, but if he was, he was a silent partner and was not known to me in the transaction.

Q. You then knew the timber was taken from State lands? A. Nothing, only what Mr. Powers had stated.

Q. And you made arrangements with Mr. Powers in reference to that timber? A. Yes, sir, in case they were State timber.

Q. Well, you understood as claimed that the timber was taken from State lands? A. Yes, sir.

Q. And did you keep back from the price that you were to pay John A. Owens and Robert Dougherty 25 cents per log? A. I kept back from John A. Owens.

Q. To whom did you dispose of the timber which you bought of John Owens—about a thousand markets—to which you have referred? A. The Kenyon Lumber Company.

Q. To whom did you dispose of the timber about four hundred markets, to which you have referred to, which you bought of Joseph H. Mitchell? A. The Kenyon Lumber Company in Sandy Hill.

Q. To whom did you dispose of the timber about one thousand three hundred markets to which you have referred as bought of Charles Callahan? A. It was the Kenyon Lumber Company, or as it was known then, Kenyon & Baldwin; the firm has changed.

Q. Do you know Joseph Lahey? A. Yes, sir.

Q. Do you remember having had a conversation with him in reference to the timber which you bought of Joseph H. Mitchell? A. No, sir.

Q. Do you know of his having been in the employ of Joseph H. Mitchell upon the timber job in which you were interested? A. I think he was.

Q. While he was at work upon that job, did he inquire of you whether you were to have the logs there being taken out by Joseph H. Mitchell? A. I rather think he did.

Q. Where he was at work at that time—where was that timber being cut—taken from—from what lots? A. I don't know, sir, now.

Q. Don't you remember that it was lots 102, or 103 of township 26? A. No, sir, I do not.

Q. Will you state that it was not on those lots? A. I will not, but I will state that I don't remember what lots he said it was on.

Q. You were upon those lots at the time? A. No, sir.

Q. At the time of your conversation with Joseph Lahey? A. I think it was at my store.

Q. Did you tell Joseph Lahey that Mr. Mitchell was to pay stumpage on the timber cut from those lots where he was then at work? A. I don't think I did.

Q. And that although it was State land upon which they were at work, it was all right to go on with the job? A. No, sir; I did not tell him any such thing.

By Mr. NILES:

Q. If he so states, does he state what is true or false? A. He states what is false; I never told him any such thing as that.

By the CHAIRMAN:

Q. Is it a fact that Joseph H. Mitchell was to pay stumpage on that timber? A. I don't know, sir; he never paid any stumpage to me.

Q. Has he to anyone? A. I don't know that he has; I think not.

Q. Do you know of any agreement for the payment of stumpage for that timber or on that timber? A. No, sir; only what Mr. Kenyon told me that he had to pay 30 cents stumpage on 400 odd markets that Mr. Mitchell cut to the State.

Q. And that was after you had closed your transaction with Joseph H. Mitchell and paid him in full? A. Yes, sir.

Q. How could a claim be made against Kenyon & Baldwin or the Kenyon Lumber Company in respect to timber which they had not cut, but which had come into their hands by purchase from you? A. I can't understand it; the State did make a demand of them, but how it comes, I don't understand.

By Mr. NILES:

Q. Do you understand that the timber cut on State lands is subject to a penalty wherever found? A. I do not so understand, where it is settled.

By the CHAIRMAN:

Q. Do you understand that anybody is liable for that timber whose hands that timber may come, if that timber is taken from State lands? A. No, sir; I do not.

Q. Did you, in any settlement you made with the Kenyon Lumber Company, allow for the stumpage which they claimed they had paid on that timber? A. I allowed them the 25 cents which I had kept out of Mr. Owens.

Q. I am talking about the timber you got from Joseph H. Mitchell? A. No, sir.

Q. Was the only allowance you ever made to the Kenyon Lumber Company or Kenyon & Baldwin the allowance which you made to them on account of the timber which you bought of John A. Owens, as taken from State lands? A. Yes, sir.

Q. And that timber you understand to have been taken from lot 117 of township 26? A. Yes, sir.

Q. From the State lands on that lot? A. It was so stated, if it was State land.

Q. And you so accepted anybody's statement of the fact? A. Yes, sir.

Q. What did Thomas Powers ever tell you in regard to his rights over State lands and the timber upon the same? A. I do not think he ever told me anything in regard to it.

Q. Didn't he ever tell you that he had bought any of the State lands and had the sale of all the timber upon the State lands? A. No, sir.

Q. What arrangement did you ever make with Thomas Powers in respect to the contracts that you might make for timber? A. I don't think I made any arrangement with Mr. Powers.

Q. At any time? A. At any time.

Q. Do you remember having gone with Joseph Mitchell to the Balfour clearing? A. No, sir, I do not remember of going there.

Q. Did you ever go with Thomas Powers to the Balfour clearing? A. I do not know as I ever did.

By Mr. WAGSTAFF:

Q. Don't you know? A. I don't think I ever did.

Q. Don't you remember? A. It is possible I did, but I do not remember of ever going to the Balfour clearing with Mr. Powers.

By the CHAIRMAN:

Q. This was in the spring of 1894, before Mitchell began his cutting of timber which you bought of him? A. No, sir; I don't think I did.

Q. Do you remember having met with Joseph Lahey on that clearing? A. No, sir.

Q. Upon what lot is the Balfour clearing? A. I could not say; I don't know the number of the lot that the Balfour clearing is on. (Map shown witness.) I don't know whether the Balfour clearing is on the same lot that the Balfour lake is or not.

Q. Looking at the map will you state whether or not Joseph H. Mitchell cut and hauled the timber which you bought of him from lots 102 and 103 of township 26? A. No, sir, I do not.

Q. Do you know whether you were ever on that clearing or not? A. Not unless the clearing is on those lots.

Q. If Joseph H. Mitchell should swear that in the winter of 1894, or after the first of January, 1894, he cut and took away logs from the State lands on lots 102 and 103 of township 26, Totten & Crossfield purchase, would you believe that statement? A. I should, I think.

Q. Don't you know that you would believe him? A. Yes, sir.

Q. He swears that the timber which he there cut he sold to you and that there were in all about four hundred markets; do you believe that statement? A. Yes, sir; if he made that statement.

Q. I ask you if you believe the statement — not that he made it — do you believe the statement? A. I don't know only what he states; how could I know that it is true or not, only that he stated that he got those logs off of those lots in that affidavit; he never so stated to me.

Q. When did you first learn that the timber that Joseph H. Mitchell sold to you was cut or to be cut from State land? A. I think it was some time in the summer of 1894.

Q. Did you have a conversation with Joseph H. Mitchell before he entered upon that contract or upon the cutting of timber under that contract? A. No, sir; I don't think I did.

Q. You made a contract with Joseph H. Mitchell for the timber? A. After he had got them cut and skidded.

Q. He swears that before entering upon those lots 102 and 103, township 26, which he knew to be State lands, he talked with you and you told him that the bid you had made to the State for the timber on those lots had been accepted and that he could go on and cut the timber? A. I never told him any such thing.

Q. Is it a fact that you had made a bid to the State or to any representative of the State for the timber? A. On those lots?

Q. On those lots. A. I think not; I made a bid on some other lots; I don't remember the number of the lots now, but sent in a bid.

Q. To whom? A. The Forest Commission.

By Mr. TEN Eyck:

Q. What kind of timber was this, live or dead? A. Live, I think.

By the CHAIRMAN:

Q. Have you knowledge or information of an agreement made between Joseph H. Mitchell and Thomas Powers in respect to the timber to be cut from those lots? A. Of my own knowledge?

Q. Yes. A. No, sir.

Q. Knowledge or information? A. No, sir.

Q. Did you ever hear of any such agreement being made? A. Only what I saw in this affidavit of Mr. Mitchell.

By Mr. ELDIDGE:

Q. Where did you see this affidavit of Mr. Mitchell? A. In the paper; I think it was the New York Herald.

By Mr. CHAIRMAN:

Q. If Mr. Mitchell has sworn that before cutting any timber on those lots he saw Thomas Powers, who gave him to understand that the cutting of timber there was all right, although the land was State land, but that stumpage of 25 cents per market should be allowed and paid, which Mitchell agreed to, would you believe that statement? A. I think I would.

Q. You would? A. Yes, sir.

Q. Have you settled with Joseph H. Mitchell in full for that timber? A. Yes, sir.

Q. When was that settlement made? A. In the spring of 1894.

Q. He swears in an affidavit made on the 1st of September, 1894, that you have not yet fully settled with him for the same; is that the fact? A. No, sir.

Q. He also swears that you knew there was to be a stumpage of 25 cents, and that you were authorized to take the same for Thomas Powers, and that he assented thereto; is that a fact? A. No, sir.

Q. What is the fact in reference to the stumpage on that timber transaction? A. There was no arrangement with Mr. Mitchell in regard to the stumpage.

Q. Or between you and Mr. Powers? A. No, sir.

Q. Or between you and Mr. Powers and Mr. Mitchell? A. No, sir.

Q. Did you take the stumpage out of the amount which you paid Mr. Mitchell? A. No, sir.

Q. Do you remember of Joseph H. Mitchell's entry upon the State land, lot 90, townsh p 26, of the Totten & Crossfield purchase, during the spring of 1894 or after the 1st day of January 1894? A. No, sir; I do not.

Q. Do you know of his having cut and taken away some cedar from that lot? A. No, sir.

Q. Do you know his having cut and taken away spruce and balsam from these lot which he cut therefrom? A. I don't know as he

stated the lots ; I made arrangements after he had them skidded to buy all the timber he had skidded ; I don't know as he stated what lots they came from ; simply asked him if they were from State lots, and he said they were not.

Q. What timber transaction did you have with Nelson Burto? A. That was with Patrick Dougherty ; he put in the logs for Patrick Dougherty ; he was a subcontractor.

Q. Was your transaction with Nelson Burto or Patrick Dougherty? A. With Patrick Dougherty.

Q. That was with reference to the timber on lot 118 of township 26? A. I don't remember that that was the lot ; it was the lots he got of the railroad company ; it is the job I referred to a short time ago.

Q. Do you know what agreement was made with Nelson Burto in reference to that timber? A. No, sir.

Q. Have you settled in full with Patrick Dougherty? A. Yes, sir.

Q. In an affidavit made by Patrick Dougherty on the third of September, 1894, he states that there is still an unsettled account between you and him for that timber? A. That is not true.

Q. Did you take stumpage for the timber you bought of Patrick Dougherty? A. No, sir.

Q. What was the amount of the timber all together? A. I think it was some nine or ten hundred markets.

Q. And the same was cut from State lands? A. I don't think so.

Q. If Patrick Dougherty should so state, would you believe him? A. No, sir ; not if he states it was cut from State land.

Q. Do you know where it was cut from? A. No ; but I don't think it was cut from State land.

Q. Why do you think it was not? A. Mr. Talbert stated it was not and Mr. Hall stated that Mr. Talbert had authority to sell it.

Q. Do you know from whom Patrick Dougherty bought that timber? A. Yes, from Mr. Talbert.

Q. Don't you know that he bought it from Henry Bradley? A. Yes, that is right ; that was part of 118 ; I got the two mixed.

The committee then took a recess until 2 P. M.

The committee resumed its session at 2 P. M.

Examination of ANDREW JOHNSTON continued.

By Mr. NILES:

Q. Mr. Johnston, did you make payments for the timber you bought of Callahan and Owens in cash or note? A. In cash and goods.

Q. Were you paid for the timber you sold to Kenyon & Baldwin in cash or by note? A. Cash.

Q. In what form was the cash payment? A. Part in currency and part in checks.

Q. What became of those checks? A. Sent to the bank to my credit.

Q. They were deposited in the bank to your credit? A. Yes, sir.

Q. What bank? A. Emerson & Company.

Q. Is that your regular bank account? A. Yes, sir.

Q. Have you any other bank account? A. No, sir; I gave the Emerson people a draft on Kenyon & Baldwin and they paid it; I gave them an order rather.

Q. A draft on Kenyon & Baldwin to collect for your account or their own? A. My account.

Q. And that draft was credited to your account? A. Yes, sir.

By the CHAIRMAN:

Q. Was the whole amount of your draft paid by Kenyon & Baldwin? A. Yes, sir.

Q. Did you subsequently receive the whole amount collected? A. From Emerson, yes, sir.

Q. But did Emerson & Company subsequently pay you the whole amount? A. Yes, sir.

Q. Did they have any share or interest in the amount which you collected from Kenyon & Baldwin? A. No, sir.

Q. Did they at any time receive any share or interest? A. No, sir.

Q. Did Thomas Powers ever receive from you any payments of money? A. No, sir.

Q. You are sure of that? A. Yes, sir.

Q. At any time during the last five years; I am asking you on any matters—have you ever had any money transactions with Thomas Powers? A. Oh, yes, sir.

Q. What were they and when? A. I think it was in July, 1894; he was commissioner of highways.

Q. Proceed and state the details? A. He made a note to one Mr. Rollins for \$800 and I deposited it in the bank, the money, checks, etc., according to his order and gave him checks out for it; as I was on my way to the bank Mr. Rollins cashed the note; Mr. Powers made a commissioner note for \$800 and Mr. Rollins cashed the note; Mr. Powers told me to deposit it in the bank and give him checks or currency for it.

By Mr. NILES:

Q. Is that the only transaction you ever had with Mr. Powers?
A. I think that is all.

Q. Is that all? A. I don't remember anything else; it may be possible that we may have had some little deal in the store; there was a running account along.

Q. Is that the only transaction of any moment — money transaction that you have had with Mr. Powers? A. Well, the last five years it is.

By the CHAIRMAN:

Q. Have you ever cut timber yourself? A. No, sir.

Q. Have you ever, and if so in what case, employed others to cut timber? A. I never employed anyone.

Q. I understand your testimony to relate to all timber? A. Yes.

Q. Have you ever, and if so in what cases, sold timber standing?
A. I never sold any timber standing.

Q. Have you ever, and if so where, owned timber lands? A. I owned a lot — I think there was some timber on it — but I never went on it, at what they call South pond at Long lake; I think it is 101 — 99 or 101; I am not just positive now as to the number; or part of a lot.

Q. Can you by reference to this map identify the lot? A. No, sir; I can not.

Q. Have you any papers from which you can identify the same?
A. I have the deed at home.

Q. Do you claim to own that land at this time? A. No, sir.

Q. When did you own the same? A. I think I sold it two years ago this summer.

Q. Had you previously cut timber from it? A. No, sir.

Q. Or sold it? A. No, sir; I sold it just as I bought it.

Q. Have you ever owned any other timber land? A. No, sir.

Q. Have you ever had any other transactions than those you have referred to in your testimony this day before this committee in the purchase or sale of timber? A. Not that I remember of.

Q. Will you state who, if anyone, was interested with you in any of the transactions of purchase or sale of timber to which you have referred? A. Not anyone.

Q. Have you ever made settlement for any trespass upon State lands for any timber in the purchase or sale of which you have been interested? A. No, sir.

Q. What knowledge or information have you of consent having been given by Thomas Powers for the taking of timber at any time from State land? A. I haven't any, only simply what stories were going around at random from different people; I don't know who.

Q. Have you not been informed of his consent to the cutting or taking of timber from State lands? A. I don't think so.

Q. Have you not been informed of Thomas Powers receiving consideration for the taking of timber from State lands? A. No, sir, I don't think I have.

Q. Will you swear that you have not been so informed? A. I will not swear positively, but to the best of my recollection I have not.

Q. Whom have you employed to cut timber from any lands anywhere? A. I never employed anybody.

Q. In the cases to which you have referred, where you professed to have bought timber from Patrick Dougherty, Thomas E. Murphy, John Owens, Joseph H. Mitchell and Charles Callahan, did you arrange with them or either of them for the cutting of the timber which they sold you? A. No, sir; I simply bought the logs.

Q. Were the logs cut when you made the purchase of each of them? A. I think part of them.

Q. What part? A. I think there was part of those jobs had quite a large number of their logs cut and skidded when I made the contract for buying them.

Q. In which job was that the fact? A. I think of all of them.

Q. How about Mitchell's? A. Mitchell's was all cut.

Q. Before you made any purchase of the timber? A. Yes, sir; as I understood him.

Q. Did you in each case see the timber before you bought it and paid for it? A. No, sir; I took the markers or measurers measurements in each case.

Q. Who were the markers in each case or measurers? A. The logs I sold to Mr. Moynihan I did not know the name, but the logs I sold to Kenyon and Baldwin, the name was L. C. Ackley of Sandy Hill.

Q. That does not cover the cases? A. He measured the logs for Callahan and John A. Owens and the logs that Mr. Mitchell sold me; the logs that Mr. Dougherty and Mr. Murphy sold me I can't remember the man's name.

Q. Who had the measurements for those? A. I can't tell the man's name.

Q. Did you ever see the logs in any case? A. I saw them when they were about all in.

Q. In where? A. In the river.

Q. After they were in the river? A. On the ice.

Q. When you speak of these logs of the various transactions as being put in the North river, then you don't mean to be understood as stating that they were put in the water of the North river? A. Well, from the Boreas where they were landed on the Boreas river in the spring after the ice goes out.

Q. In each case, then, the logs were put in the water of the river and floated down the stream? A. Yes, sir.

Q. Have you had any conversation with Mr. Powers in reference to the testimony which you might give before this committee? A. No, sir.

Q. You are sure of that? A. Yes, sir, I am sure of it.

Q. Have you at any time had any conversation with Thomas Powers in reference to the affidavits made by you on the 6th of September, 1894, to which you have referred? A. No, sir.

Q. Have you ever had any transaction with Thomas Powers in reference to affidavits? A. No, sir, I have not.

Q. Have you not already stated that subsequent to the making of those affidavits you made another affidavit which you delivered to Thomas Powers? A. Well, I said that I thought I delivered it to him in the store.

Q. Why do you say then that you have had no transaction whatever with him in reference to those affidavits of the 6th of September? A. I did not have any particular transaction—simply handed him the paper.

Q. Didn't he solicit from you an affidavit in retraction of what you had already sworn to? A. No, sir.

Q. Who had done so? A. Nobody, it was simply on my own request.

Q. Do you know of anyone who can verify or corroborate your statements in regard to these several timber transactions of which you have testified? A. I think Mr. Edward Lavery can.

By Mr. NILES:

Q. Do you mean to state, Mr. Johnston, that at the time you handed this affidavit over to Mr. Powers that the transaction was done in absolute silence, Mr. Powers simply coming into your place and you handing over the affidavit without one word? A. No, sir, not at all; Mr. Powers came into my place and I handed him the affidavit and told him to take it down to the commission.

Q. Didn't you tell him what it was? A. I simply told him it was an affidavit, but did not tell him the contents of it.

Q. Didn't you tell him what it contained? A. I don't remember; I might have stated that it was something in rebuttal of what came out in the paper; I am not certain that I gave it to him, but if I gave it to him I simply asked him to take it down to the commission.

By Mr. WAGSTAFF:

Q. Are you sure you have not that affidavit yet? A. No, sir.

Q. How did it get in the Forest Commission? A. As I stated before I went down to Albany and went up to the Forest Commission, and am not certain now whether I handed it to Mr. Powers in the store to take down there, or took it down myself.

By the CHAIRMAN:

Q. Did you do one or the other? A. Yes, sir.

Q. To whom do you think you handed that in Albany? A. I think it was Colonel Fox.

Q. What transactions, if any, have you had with Colonel Fox? A. I have not had any.

Q. What transactions of any kind have you had with the Forest Commission? A. Not any.

Q. What transactions of any kind have you had with the forest protectors? A. Not any.

Q. Or the superintendent of the forests? A. Not any.

Q. At the time of your alleged purchases of timber from Dougherty and Murphy and Owens and Callahan and Mitchell, had you arranged with Moynehan, or with Kenyon & Baldwin for the sale of the timber? A. No, sir.

Q. Had you arranged for its sale with any one? A. No, sir.

Q. Was your purchase from those parties suggested to you by any one? A. Only by the parties that sold them to me.

Q. In each case? A. In each case.

By Mr. WAGSTAFF:

Q. Where does this justice of the peace live before whom you swore to this affidavit — this second affidavit? A. He lives in the town of Minerva about three miles from the village of Olmsteadville.

Q. Which way? A. Up by Mr. Rathigans.

By the CHAIRMAN:

Q. What agreement or understanding did you ever make with D. C. Durfee in reference to any of the timber transactions of which you have testified to? A. I did not make any arrangements with him.

Q. You are sure of that? A. Yes, sir, I am sure of it.

By Mr. WAGSTAFF:

Q. Where were you at the time you made this second affidavit? A. At Olmsteadville.

Q. How is it you went to a justice of the peace that lives some distance from Olmsteadville? A. The justice of the peace was there at the time; he took the affidavit right in my store.

Q. Do you remember Mr. Durfee coming to you for the purpose of getting this first affidavit? A. I do, yes, sir.

Q. Do you remember anything about the circumstances of his coming to you there? A. No, sir, I do not; he came to our place in my absence as I understood.

Q. Then he came there again, did he? A. He came there two or three times.

Q. And did he see you each time he was there? A. I think he did.

Q. Don't you know whether he did or not? A. Well, the second time that he came he did not see me because I was sick in bed; the first time that he came to see me was on my arrival home from Long Lake; he insisted on coming into the house to see me and my wife said that I was not in shape; he rather insisted upon seeing me and finally he said he would come in the next day; he came in and I said I was not feeling very well; finally he said he would go into the back office and I was to get a man and he would talk over the matter, and

I went and got Mr. Lavery, and made a statement before him, and finally Mr. Durfee said, "You can go about your business and when I get the affidavit drawn up I will call you."

Q. How long did it take him? A. About half an hour; I had been away from home about two weeks and was very busy; I asked him if it was just as I stated it, and he said it was, and I signed it; he then stepped across the street and got the town clerk, a notary public.

Q. In whose handwriting was the affidavit? A. I supposed it was in Mr. Durfee's although I did not see him write it.

Q. Do you remember your conversation with Mr. Durfee prior to his making the affidavit? A. No, sir.

Q. Did he ask you about any depredations? A. He asked me about some of Owens and some of the others—about how many markets they got and sold to me.

Q. Did he ask you whether they were working on State land then? A. I think he did.

Q. Did he ask you if you knew of any particular one that was cutting on State lands? A. He did, and I think my answer was that I did not.

Q. You did not know of anyone cutting on State lands? A. No, sir; only what Mr. Powers said, that part of the lot was on State lands.

Q. And the same with reference to Joseph H. Mitchell? A. No, sir, I did not know anything about that at the time.

Q. So you made no statement in regard to that? A. No, sir.

Q. Then you testify here that Mr. Durfee deliberately imposed upon you in this affidavit? A. I do, sir.

By the CHAIRMAN:

Q. Do you know of D. C. Durfee's death? A. I saw an account of it in the papers.

By Mr. NILES:

Q. Did you know for what purpose Mr. Durfee was there? A. No, sir.

Q. Didn't he state for what purpose? A. He said he was sent there by the Comptroller.

Q. Didn't you know he was there with a view of discovering what depredations had been committed on State lands? A. I supposed he was there for that purpose.

Q. Knowing that and knowing that he was attempting to secure information from you on that subject, will you still persist in your statement that you did not read and did not know the contents of the affidavit that you signed? A. I do, sir.

Q. You still persist in that statement? A. Yes, sir.

By the CHAIRMAN:

Q. How do you justify yourself in swearing to a written statement and appending your signature thereto, in witness thereof, without knowing what the affidavit contained? A. Simply because I relied upon what Mr. Durfee said.

Q. Do you think that acquits you in the matter? A. I don't know whether it did or not; I wanted the truth, that is all.

By Mr. WAGSTAFF:

Q. Knowing what Mr. Durfee's object was in calling upon you, do you think it would have been of advantage to him to obtain an affidavit from you if you knew of no trespass whatever? A. I don't know what his motives might have been.

Q. You think he might desire an affidavit whether you knew a trespass or not? A. I think he would according as I understand that he has got a good many affidavits that the parties did not know anything particularly about any trespass being done.

By the CHAIRMAN:

Q. With whom have you had conversation in reference to the testimony that you might here give? A. I haven't had with any one.

Q. You are sure of that? A. Yes, sir, I am sure.

Q. Since you were subpœnæd? A. Yes, sir.

By Mr. NILES:

Q. Do you know of any trespass in the vicinity of your home? A. No, sir.

Q. At any time? A. No, sir.

By Mr. TEN EYCK:

Q. Did I understand you to say that Mr. Durfee told you that he represented the Comptroller's office? A. Yes, sir.

Q. Did he say who of that office he represented? A. I don't think he did, sir.

Q. You knew that he represented them — at least, you took from his statement that he represented the Comptroller of the State of New York, a State official? A. Yes, sir.

Q. Was it because of that statement, knowing that he represented an official of the State, that you relied upon his statement that the affidavit contained what you had told him? A. Yes, sir; it was.

Q. Was that the only thing? A. Yes, sir.

Q. He did not say that he represented anybody else? A. No, sir.

Q. After you had made this affidavit he took it and went away? A. Yes, sir; he went out of the store.

Q. Have you ever seen that affidavit, the original? A. No, sir.

Q. Have you ever seen what purported to be a copy? A. Yes, sir; in the paper.

Q. What paper? A. The New York Herald.

Q. In that same article was there what purported to be other copies of other affidavit from other men in reference to the same matters? A. Yes, sir.

Q. Mr. Durfee never told you that he represented anybody except the comptroller? A. No, sir; he did not.

Q. Mr. Johnston, do you know of any instance in which Thomas Powers, the forester, or any other State official, has given permission to any of the lumbermen to go upon the State lands and lumber without the authority of the Forest Commission? A. No, sir, I do not.

Q. Do you know that he or any other State official has ever given anybody permission with or without authority of the Forest Commission or of any other person or persons? A. Not that I know of.

Q. Do you know of any case in which there have been depredations committed to the timber upon the State lands in which the fact has been brought to the attention of Mr. Powers or any other State official in which they have neglected to prosecute? A. I do not.

By the CHAIRMAN:

Q. Will you produce before this committee to-morrow your bank books, deposit books, your checks and check stubs during the last five years? A. I could not because I do not know where they are; I have not got them, so I don't think I could get them; I will get all that I can.

Q. We require you to produce them? A. Suppose I can not get them.

Q. You must show sufficient reason for not producing them? A. I will do the best I can.

Q. We require you to appear here to-morrow with those papers; have you kept any books of account in reference to your lumber transactions? A. As to individuals?

Q. Yes. A. Yes, sir.

Q. Will you produce the same also to-morrow? A. Yes, sir.

Examination of witness suspended until to-morrow.

PATRICK SULLIVAN, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. Will you state your age, residence and business? A. My age is 60, residence Olmsteadville, Essex county, N. Y., business hotel keeper and farming.

Q. Mr. Sullivan, you have knowledge, I understand, of timber stealing from State lands? A. Only hearsay, no personal knowledge to know it myself—only hear people talk about it.

Q. That is, you mean that you have not seen the actual taking from State lands? A. That is it, sir.

Q. You have known of the cutting of timber from State land? A. I have heard them talk about it.

Q. From whom? A. I have heard any number of people talk about it—only barroom talk.

Q. Now, I want you to give us the information and give it to us in detail? A. That is all I can give you—hearsay talk in the barroom where men came in and talked about one man cutting the timber on State land and another cutting timber on State land.

Q. What have you heard on that subject? A. That is about the substance of it; that they were cutting timber on State land.

Q. What names have you heard? A. I have heard of Joe Mitchell and Joe Murphy.

Q. Thomas Murphy, commonly called "Joe?" A. Yes, sir; Patrick Dougherty; it seems to me I have heard of him and others.

Q. John Owens? A. John Owens and Charley Callahan.

Q. And Edward P. M. Lynch? A. Well, I have never heard of him cutting any, but I have heard of his trying to sell timber on lands up there, but whether they were State lands or not I do not know.

Q. Well, whom have you heard mentioned as selling timber on State lands? A. I could not say that I heard anybody selling timber on State lands.

Q. Haven't you heard of Edward P. M. Lynch? A. No, I did not hear of his selling timber on State lands.

Q. What did you hear? A. I heard of his selling timber on lands belonging to some one in New York, and I further heard that he never bought timber from those parties.

Q. Haven't you further heard that he cut timber from lots 20, 21 and 22, of township 16, of the Totten & Crossfield purchase through a contract made by him John A. Owens and Charles Callahan? A. I know nothing about it.

Q. Or either of them? A. I know nothing about that; that is something I never heard of; if that was talked I never paid any attention to it.

Q. Who told you of this? A. Well, sir, I keep a barroom, and there is a good deal of talk in a barroom, and some of it you will pay attention to and some of it you won't, and a great many times I would rather not pay any attention to it if I could get away from it.

By Mr. TEN Eyok:

Q. What is the reason; because it is whisky talking? A. Yes, sir.

By Mr. WAGSTAFF:

Q. Does whisky sometimes tell the truth? A. I guess it does.

By the CHAIRMAN:

Q. Then you understand that there is frequent trespass upon State lands? A. I understand that; yes, sir.

Q. And that that has been the case during the last five years? A. Well; oh yes, as long as that, I guess; it cost them pretty heavy; some of them as long ago as five years.

Q. Do you know of any effort having been made to discover or prosecute the persons who have committed trespass upon State lands? A. Yes.

Q. What do you know upon that subject? A. I know there was a man bought some timber from John Dougherty, and he went on and cut the timber; he didn't like the ground as well as the State lot, and he went on and cut the State logs, and they made him pay a dollar a log, and it was not worth over 25 cents.

Q. How many years ago was that? A. A good many years ago

Q. And from what lot was that timber cut? A. I could not tell you.

Q. Who was the forester then? A. I think that Powers just came into office about that time, and it was settled through him.

Q. What other cases of prosecution for timber selling have you knowledge of? A. There were quite a number of cases there five or six years ago and I have forgot now, but they were settled; how they were settled I could not really tell.

Q. Do you know the names of the parties that were prosecuted? A. Yes, I think it was the time, if you will remember, when this man up here to Keene or North Elba was forester; he was a lawyer and afterwards went to Washington and got some position there; well, he came down there and settled quite a number of those cases.

Q. Do you know who the parties were that he settled with? A. Well, no — there was, I think, Patrick Dougherty was one that was lumbering and William Brannan and Jimmie Dougherty — I could not tell — there was a lot of them; his name was Richard Trumball; that was five or six years ago.

By Mr. ELDRIDGE:

Q. What was the modus operandi of settlement; did he bring suit against them or was it settled without a suit? A. Settled without a suit.

By the CHAIRMAN:

Q. And have you known of any of these prosecutions since Mr. Powers became forester? A. I do not.

Q. Do you travel through that country where you live? A. No, sir.

Q. Don't you know the State lands? A. No, sir.

Q. Don't you know that the State owns a majority of all the land there? A. They own a good deal of it.

Q. Are you not familiar with the location of the State lots? A. No, sir; not unless I had a map and studied it.

Q. As you pass by, wouldn't you know if they were State lands or not? A. No, sir.

By Mr. TEN EYCK:

Q. Do you know of any depredations to any State lands in your vicinity or anywhere else? A. Now?

Q. Now or within the past five years. A. Of my own knowledge?

Q. Yes. A. I do not; no, sir.

Q. Do you know of any person that has told you that you can mention to the committee? A. I have heard a number speaking about it in the barroom about such one being on State lands and such a one.

Q. Who were those persons? A. There were so many of them that I could not distinguish one from the other.

Q. Do you know of any case where the present forester has neglected to prosecute? A. I have heard it talked of some cases.

Q. What were the cases? A. Well, it was where Mitchell lumbered.

Q. Who were the persons who told you that? A. It was just like the others—I heard everybody talking about it.

Q. How are you and Mr. Powers—are you good fellows well met? A. Oh, well, we always speak when we meet.

Q. Think a good deal of him? A. Yes.

Q. Are you related to Wesley Barnes? A. No, sir.

Q. Are your family related in any way? A. Two of my sons married two of his daughters.

Q. Did you ever charge Mr. Powers with being the cause of your son's defeat for supervisor? A. No, sir.

Q. Did you ever tell anybody you thought he was the cause of it? A. No, sir.

Q. Or that he was the cause of Wesley Barnes' defeat for supervisor? A. No, sir, I never did.

Q. Did Mr. Powers get an order from the court restraining the collector from paying to your son and Barnes certain town audits? A. Yes; it was not Powers that got it. It was Orson P. Morse and Edward Lavery got an order.

Q. You don't think Powers had anything to do with it? A. I think he had something to do with it.

Q. Are you related to Charles P. Sullivan, of Olmsteadville? A. Yes.

Q. In what way? A. I expect I am his father if his mother is honest.

By Mr. NILES:

Q. Do you think that any other names have been mentioned in your barroom as having committed depredations on State lands other than those you have mentioned? A. I can't remember any others.

Q. Do you think there are others that you have not mentioned? A. Do I think that there are others that got on State lands?

Q. Yes. A. I don't know any.

Q. My question is whether you think there are any other names that you have not mentioned? A. I think that is all in our town.

ROBERT BIBBY, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. What is your age, residence and place of business? A. My residence is Minerva, Essex county, N. Y.; age 41 years; kind of complicated business—I don't know as I can tell exactly—I am superintendent of the Adirondack Preserve Association; and I am State fish and game protector and forester.

Q. How long have you held that office? A. Of forester?

Q. Yes. A. Since the 7th of May, 1895.

Q. What other office have you held at any time and when? A. What sort of an office?

Q. Of any kind? A. I have been superintendent of this preserve since 1893.

Q. Any town office? A. I was game constable once.

Q. Over what section of territory do your duties as forester extend? A. Essex county. That is the district that is assigned to me, but my jurisdiction is anywheres in the State.

Q. With what section of woodlands within or outside of Essex county are you familiar? A. I have lumbered around Newcomb lake in township 28 in Essex county and I have lumbered on the 18th township, part in Essex county and part in Hamilton county; I have lumbered on the 16th township and am well acquainted with those localities; I have been up West Canada creek.

Q. In what county? A. Part of it is in Herkimer county; I don't know but all of it is.

By Mr. NILES:

Q. Do you know the country pretty well in those sections you have mentioned? A. Where I have lumbered I am pretty well acquainted.

Q. You know the Adirondacks pretty well? A. Oh, I have travelled through, but being perfectly familiar with it is two different things.

By Chairman WILDS:

Q. Have you made a particular examination of the timber districts within Essex county? A. No, sir.

By Mr. ELDRIDGE :

Q. Have you a thorough knowledge of the lands lying on either side of the Boreas river? A. Not thorough; I am of course pretty well acquainted with that section; I could, I suppose — well, I know of different lots that go through; I suppose I could trace out almost any lot in the 20th or 16th township.

Q. What examination have you made of the timber districts in Essex county? A. None, whatever, so to speak.

Q. Are you then without knowledge of the character of the existing timber within Essex county? A. Why, I don't quite understand your question; I know there is timber existing; what do you mean by timber; I know there is all kind of timber growing here that is natural to this country; spruce and pine and balsam.

Q. How much of the timber within Essex county has been lumbered over? A. I could not tell you.

Q. Do you know where in Essex county lots belonging to the State are located upon which the virgin forests stand? A. No sir; there are some lots in the town of North Elba, but there is not much of the first growth of timber any where around where I am perfectly acquainted.

Q. What efforts have you made to inform yourself in reference to the lumbering now going on in the different sections of Essex county? A. None, any more than I took a trip through the county the latter part of June.

Q. What do you understand to be your duty as forester? A. To protect fish and game in the forest to the best of my ability.

By Mr. WAGSTAFF :

Q. How do you do that? A. Well, I don't know as I am attending to my business very thoroughly.

Q. Do you know anything about any timber depredations upon State lands? A. No sir.

Q. Haven't discovered any since you have been forest protector? A. No sir.

By the CHAIRMAN :

Q. Have you made any efforts to inform yourself as to whether or not a trespass upon State lands has been made during the year 1895?

A. I have made some inquiries.

Q. Of whom? A. Well, of parties I met through the county; I inquired of George Stevens of Lake Placid; I inquire of Byron Cameron of Ray Brook; I inquired of Mr. Beede of St. Hubert's Inn, and different parties I have met during my travels.

By Mr. NILES:

Q. Would any of these men be in a position to give you any information on that subject? A. They didn't much.

Q. But would they be in position to give you any information Mr. Beede is not acquainted with the forest lands? A. He lives in the wilderness.

By the CHAIRMAN:

Q. What knowledge or information have you as to the location of the State lands within Essex county? A. By the maps.

Q. What map? A. Ma of the Adirondacks.

Q. Well, please answer that a little more definitely—there are various maps of the Adirondacks; you can get them out of a geography? A. I have the State maps they sent me from the Forest Commission.

Q. Is the map issued by the Forest Commission in reference to the Adirondacks your only source of information as to the location of the State lands? A. Why I know that there are State lands located.

Q. Now answer my question? A. Why not all together?

By Mr. WAGSTAFF:

Q. How long have you lived in this section? A. I have lived all my life in this country.

Q. Been out in the woods? A. Quite considerably.

Q. Have you done any lumbering? A. Yes sir.

Q. Do you know Charlie Callahan? A. Yes sir.

Q. Do you know John A. Owens? A. I know John Owens that lumbered with Callahan; I know two John Owens.

Q. Do you know Joseph H. Mitchell? A. Yes sir.

Q. Do you know Edward P. M. Lynch? A. Yes sir.

Q. Now, have you heard of any of these men committing any depredations upon the State forests. A. I have heard of all of these men lumbering except Edward P. M. Lynch; I have heard of his selling lands.

Q. What lands? A. Oh, he sold some lands years ago for P. M. Marsh of Albany.

Q. Did you hear of him selling any land for any parties he was not entitled to sell? A. I heard he sold some land last year belonging to Mrs. Kent of New York.

Q. Where were the lands? A. They are located in the 16th township.

Q. Do you know who he sold them to or claimed to sell them to? A. Callahan and Owens.

Q. Do you know anything further about that transaction at all? A. No, not any more than they went in and cut some timber and were stopped by the State authorities.

By Mr. TEN EYCK:

Q. Who stopped them? A. Mr. Powers.

Q. You are his successor? A. Yes, sir.

By Mr. WAGSTAFF:

Q. How long have you held office? A. Since May.

Q. Have you gone over any of the State property? A. Not in particular; I made this trip.

By the CHAIRMAN:

Q. I wish you would inform us what efforts you have made to inform yourself of the location and bounds of the State lands within Essex county? A. I told you that I have made very little.

Q. Is your only source of information as to the location and bounds of the State lands that which you derive from the map of the Adirondack lands issued by the Forest Commission? A. What I don't know from personal knowledge is.

Q. It is? A. Yes, sir.

Q. Have you no descriptive record of the location of the State lands? A. I think not.

Q. Has none ever been furnished you by the Forest Commissioners? A. I have some of the reports of the Forest Commission.

By Mr. WAGSTAFF:

Q. Have you heard of any one going in to lumber this fall anywhere in your jurisdiction? A. I understand that John Anderson, of Newcomb, is making preparations to lumber on the Boreas river for the Finch-Pruyn company.

Q. Do you know the lots? A. No, sir; I know the neighborhood.

Q. Do you think you could find the spot on the map? A. It is on the headwaters of the Boreas river; I should think it was on township 45.

By Mr. NILES:

Q. Would it be possible for you in passing through this Adirondack region, with your map alone, to determine where lands you were passing were State lands or lands of private owners? A. No sir.

Q. How would you determine it? A. By getting a surveyor and survey it out.

By Mr. ELDRIDGE:

Q. That is the only way you can determine it? A. Yes, sir.

By Mr. NILES:

Q. Now what steps do you propose to take to prevent depredations upon the State Reservation? A. If I hear of any one or know of any one going on the State lands to lumber I shall certainly take steps to stop them.

Q. Well, where you hear of men going on State land to lumber, do you go on that property to see? A. I have not.

Q. So you don't know of any lumbering on State lands? A. No.

Q. What I want to get at is whether you have to depend altogether upon casual information for your knowledge of depredations upon State lands—is your only source of information what comes to you in the course of casual conversation? A. Yes, unless I discover it in passing through the country.

Q. But you state that you have not traveled to any extent through the country? A. I have not.

By the CHAIRMAN:

Q. You have also testified that in traveling through the country you could not identify the State lands? A. Yes, sir.

Q. You understand that lumbering has not commenced yet in this country? A. No, sir.

Q. Your idea is to look and see when lumbering has commenced? A. Yes, sir.

By Mr. TEN EYCK:

Q. At the present time you don't know what sections or townships anybody is going to lumber? A. I know that the Finch and Pruyn company of Glens Falls are making preparations to lumber.

Q. That is on individual lands? A. Yes, sir; unless they bought timber of the Adirondack club upon some of those lands; some of them they own themselves.

Q. Does this land that they own or bought or the land upon which the timber is situated belonging to the Adirondack club lie adjacent or adjoining to State lands? A. I suppose there is some State land; there is none in this body; they lie on either side of it.

Q. What do you intend to do when they get to cutting, if anything? A. If I think or hear that anybody is cutting on or around State land I intend to look after it.

Q. How do you intend to look after it? A. I intend to go upon it.

Q. Will you have to have the lines run by a surveyor? A. Yes, sir.

Q. Are all the lines run? A. No, sir.

Q. Do you have to pay for that out of your own pocket if you take a surveyor up there? A. I suppose so.

Q. The State makes no appropriation for that expense? A. No.

Q. Do you know of any instance in which within the past five years there has been any depredations to State lands in this vicinity? A. Not for a certainty.

Q. You know nothing of your personal knowledge? A. No, sir.

Q. You live in the town of Minerva? A. Yes, sir.

Q. Do you know Thomas Powers? A. Yes, sir.

Q. Do you know of any instance where a trespass has occurred that he has neglected to prosecute? A. No, sir; not for a certainty.

Q. Has anybody ever told you that he has neglected? A. Now, you are getting off on gossip, gentlemen.

Q. You were appointed by this new commission? A. Yes sir.

Q. You are a Republican? A. Yes sir, and didn't look for an appointment.

By Mr. NILES:

Q. Do your duties as superintendent of this preserve allow you any time to attend to your duties as forester? A. Not very much; I think I shall have to resign my position as forester.

Q. Don't you know of any depredations in your jurisdiction with which your are familiar? A. No, sir.

By the CHAIRMAN :

Q. How much time have you given to your duties as forester since your appointment? A. About twenty days I should think.

Q. What were you doing during that time? A. I spent about ten days making this trip to the town of Newcomb and through to Saranac and back.

Q. Isn't that outside of Essex county? A. Well, about half of Saranac village is within Essex county.

By Mr. TEN EYCK :

Q. How much territory do you cover? Essex county, 18 large towns.

Q. What part of it do you live in? A. In the westerly part of it.

Q. Near the border line of what county? A. Hamilton county.

By the CHAIRMAN :

Q. Is the Adirondack Club selling timber from its preserve? A. It has sold timber; I do not know but the contract has expired; they sold timber some years ago.

Q. What is the character of the existing timber upon this preserve?
A. At the present time?

Q. Yes. A. Why, it is spruce, balsam, birch, beech and maple.

Q. Of what growth? A. Well, the hard wood is what they call first growth; the original growth of timber and the spruce would be what we call second cut, second growth now.

Q. Is there any pine? A. I should say very little.

Q. We are informed that you know of the methods by which timber stealing has been conducted from State lands during the last five years? A. I understand the method?

Q. Yes, sir. A. Well, there is only one way of lumbering and that is to cut your logs and skid them and haul them to the river.

Q. Are you informed as to the manner or inducement of persons to enter upon State lands for the cutting or taking of timber? A. I do not think I am informed upon that subject; I do not quite understand your question.

Q. What connection, if any, do you know of between Thomas Powers and those who have taken timber from State lands during the past five years? A. I do not know of any connection; they all live in the same neighborhood.

Q. Or business relations? A. I don't know as they have any business relations.

Q. Do you know of any business interests on the part of Thomas Powers in the various cases of taking timber from state lands during the last five years? A. No, sir, I do not.

By Mr. ELDRIDGE:

Q. You have been appointed a little over two months? A. Well, I served 18 days in May and June and July and so much of August.

Q. You have given how many days' time? A. Actual time I should not say I spent more than 20 days.

Q. In your understanding of the time usually spent by game protectors, isn't that the time usually put in compared with other foresters? A. I think there are foresters who have spent as little time as that and some more.

By Mr. WAGSTAFF:

Q. Did you spend all the time that you thought necessary for the purpose of protecting the forests at this time of the year? A. No, sir.

Q. You think you should have given more time to it than you did? A. Certainly, I do.

Q. Why didn't you do it then? A. I have got better business.

JOSEPH LAHEY, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. What is your age, residence and business? A. My age is 23; my business is working out for a living—lumber woods—farming, etc., wherever I can get a day's work.

Q. Where is your place of residence? A. Minerva.

Q. During the spring of 1894, upon what lumber job, if any, was you employed? A. Joseph H. Mitchell's.

Q. Where? A. It was on township 26, I think, town of Minerva.

. Upon what lots? A. I think it was 102 and 103; that is what they told me.

Q. Who told you? A. Joseph Mitchell.

Q. What was done there by Mr. Mitchell? A. Well, he had a long job; he took it from Milo Knapp; he took the logs to draw and worked for him and in the spring he skidded some logs.

Q. Who had cut the logs? A. Well, this was in the fall; he too this drawing job from Eldred Harpp.

Q. Don't you know who cut the timber? A. Not on Harpp's job; he took the drawing in winter and I worked for him in the winter.

Q. Do you know anything about that timber having been taken from State land? A. Well, I have heard so since—not that timber wasn't but there was timber taken that spring by Mr. Mitchell from State land.

Q. What spring do you refer to—the spring of 1894? A. Yes, sir.

Q. And from the State land on lots 102 and 103 of township 26? A. Yes, sir.

Q. And from lot 90 of township 26? A. I don't know anything about that; I don't know anything about 90.

Q. What did you do? A. Well, I drove his team there in drawing, so he was going to put in some more logs after he got this job of Knapp's finished, and he wanted to know whether I would take skidding; I took the logs to skid and I skidded 326 markets.

Q. Who located the lands for you there from which the logs were to be taken? A. Mr. Mitchell.

Q. And did he inform you that that was State land? A. No, sir; he did not.

Q. What did he say to you on that subject? A. He said he bought the timber.

Q. Didn't you learn that the 326 markets that you skidded for Mr. Mitchell were taken from State land? A. I didn't at the time.

Q. Well, when did you learn it? A. Afterwards.

Q. From whom? A. Well, I forget; I heard so many talking about it that I don't know who I did hear it from; I heard so many times that I could not tell, or I would not say.

Q. Who measured the logs? A. Mr. Ackley; Kenyon & Baldwin's man.

Q. How many markets were there? A. Three hundred and twenty-six markets.

Q. About how many logs to a tree? A. Well, from two to three; you mean pieces or markets?

Q. Pieces. A. From two to three.

Q. How small timber was cut? A. Down to six inches; there was some cut down to five, but they did not intend to cut down only to six

Q. What was the largest timber cut? A. I could not say.

Q. Were any as large as 12 inches? A. I think there were.

Q. Was Joseph H. Mitchell upon the lot while you were there at work? A. Yes, sir.

Q. Did he give you orders and directions concerning the work? A. Yes, sir.

Q. Did you and your men do as he ordered? A. Yes, sir.

Q. Where were the trees which you cut located with reference to the Balfour clearing? A. What direction from the Balfour clearing?

Q. Yes. A. I should think that was about north and west; west I think.

Q. On both sides of a roadway which leads from that clearing? A. Yes, sir.

Q. Eldred Harpp lives on that clearing? A. He did, but he don't now.

Q. You began your cutting where? A. I began on the lower side of the road.

Q. Near to the cleared land? A. No; it was further in the timber near the river — more near the river than it was the clearing.

Q. Didn't you begin near the cleared land and cut and work toward the Boreas river? A. I began near the river and worked toward the cleared land.

Q. Did Joseph H. Mitchell tell you who was to have the logs which you were skidding? A. Well, I think he did; I won't swear to it for certain; I think he said that Andrew Johnston was to buy the logs.

Q. While you were at work on the job didn't you inquire of Andrew Johnston if he was to have the logs? A. I think I did, yes.

Q. Didn't you also inquire of him if Joseph Mitchell was to pay stumpage? A. Yes.

Q. Didn't you also inquire of him if it was all right to go on with the job? A. No, sir, I did not; I thought the logs were all right or I would not have been there.

Q. Didn't Joseph H. Mitchell tell you of Thomas Powers having bid in all the State land, and that he had the sale of the timber? A. Now, I will think of that before I speak; he told me he was going to try and bid it all in; it was going to be sold in February, some time; he thought he could bid it in; it was going to be sold off, and everybody had a chance to bid, and Mr. Powers was going to bid in some of it if he could.

Q. Of what year? A. February, 1894.

Q. Did Mitchell also tell you about taking timber from lot 90, township 26; that is immediately north of lot 103? A. No, sir; he told me like this: I remember that he says we may get some off of this lot over here if they get it; I think that was the direction he pointed; I did not intend to work only a few days longer; by the direction he pointed I think it was lot 90.

By Mr. WAGSTAFF:

Q. What was this sale of State timber that you speak about? A. We understood it that it was in the papers that the State timber was going to be sold off.

Q. Did you see it in any paper? A. No, sir; I do not know as I did.

Q. Who told you that this sale was to take place in February? A. Well, it was the talk; I could not say who; I was just setting in the crowd; I could not say who.

Q. Where were you at this time? A. I think I was at Mr. Howard's place; he ran a hotel at Minerva.

Q. Did any sale of this land ever take place? A. No, sir, not that I know of.

Q. In what paper did you see this notice? A. I did not see the paper, but heard them say it was in the papers.

Q. Who did you hear say? A. I could not say; I was in the crowd.

By the CHAIRMAN:

Q. Didn't Joseph H. Mitchell tell you that when you got through with the job on lots 102 and 103, township 26, that he would have another job on lot 90, township 26, which was immediately north of the lots you were working on? A. No, sir.

Q. Didn't Joseph H. Mitchell tell you that he and Thomas Powers had been up on the Balfour clearing and that he had taken the job on 90? A. No, sir.

Q. Didn't you afterwards go and pile the timber on lot 90? A. No, sir.

Q. Are you sure of that? A. Yes, sir; and can prove it; Thomas Powers and Andrew Johnston built the shanty, but Joe Mitchell did not tell me that he bought any timber of them.

By Mr. WAGSTAFF:

Q. Were Powers and Johnston there at the time? A. Yes, sir.

Q. Did you see them? A. He said they were and the girls and the chore boy; the girls kept the shanty.

Q. What did Mitchell tell you they were there for? A. He did not tell me why they were there.

Q. What did you suppose they were there for? A. I supposed it was to let them the logs.

Q. What conversation did you hear between them? A. I never heard any conversation between them.

Q. What right did you understand that Mr. Powers had to sell them the logs? A. I did not know anything about that at all.

By Mr. TEN EYCK:

Q. What interest would it have been to you had Mr. Powers let them the job and cut the logs? A. No interest to me.

Q. Did you have a prospective chance of getting a job if that was the case? A. I was nothing but a poor boy working in there and he let me those few logs to pile and that is just way it is; the lot I always thought was on railroad.

Q. Had the girls and men around there been talking to you about making a pile of money out of piling logs in a joking way? A. No sir.

Q. So they were not "kidding you" when they told you; do you know whether they were joking? A. I never heard them talk such stuff.

By Mr. WAGSTAFF:

Q. Well, Joseph H. Mitchell never told you that Andrew Johnson and Thomas Powers were on the Balfour clearing? A. No, sir.

Q. It was only the girls and boy told you? A. Yes, sir; they told me that Mr. Powers and Mr. Johnson were at the shanty that day.

By the CHAIRMAN:

Q. Did you cut the timber on lot 102 and 103 or simply skid and haul it? A. I think they called it 103—I won't say for certain—I don't know one lot from the other; I just cut and skid the logs—put them on skids.

By Mr. ELDRIDGE:

Q. Was this timber cut when Johnson and Powers were there? A. No, sir.

Q. The timber was not cut while they were there? A. Not what I skidded.

By Mr. TEN EYCK :

Q. You don't know that they knew you were there? A. No, sir.

Q. How far were you from the shanty when these girls told you that Johnston and Powers were in there? A. About half a mile.

Q. Did you board at that shanty? A. Yes, sir.

Q. Do you know James Kingsley? A. Yes, sir.

Q. Did he work on that job with you? A. Yes, sir; I think he worked one day.

Q. While you were cutting and piling spruce and balsam logs for Joseph H. Mitchell? A. Yes, sir.

Q. Did he inform you that you were at work on State lands? A. No, sir.

Q. You are sure? A. Yes, sir.

Q. Did Eldred Harpp ever inform you that you were at work on State land? A. No, sir.

Q. Did Eldred Harpp work for you upon that job? A. Yes, sir; he worked, I think, one day.

By Mr. WAGSTAFF :

Q. Who was the girl and the chore boy in the shanty? A. Bertha Mitchell, Joseph Mitchell's girl.

Q. Anybody else? A. Her sister Katie.

Q. Who was the chore boy? A. Joe Lewis.

Q. Where does he live? A. Minerva.

Q. And the Mitchell girls live with their father? A. Yes, sir; at Minerva.

By the CHAIRMAN :

Q. James Kingsley says that during the winter of 1893 and 1894 that he worked for you cutting logs on the job which you had from Joseph H. Mitchell, on lots 102 and 103 of township 26; is that the fact? A. Yes, he worked; I had the cutting and skidding of the logs and he worked for me.

Q. During that job? A. Not all through the job; I said first that he worked one day; I think he worked two, but not any more than that.

Q. How long were you engaged upon that job? A. About two weeks.

Q. Wasn't he there most of the time? A. No, sir, he was not; he came there the last couple of days.

Q. What was done with the timber taken from those lots? A. It was drawn to the river.

Q. By whom? A. By Joseph H. Mitchell.

Q. I call your attention again to lot 90, north of lot 103 of the 26th township, and ask you whether or not it is the fact that you took timber from that lot? A. No, sir, I did not take any timber from that lot.

Q. Did you cut or skid timber on that lot? A. Not that I know of; I don't know it if I did.

Q. Joseph H. Mitchell says that Joseph Lahey (yourself) was with him in the cutting of spruce and balsam on lot 90 of township 26; will you in the face of his statement now deny that you were at work on that lot? A. I will tell all there is about it; I supposed it was 103; he told me it was 103; I did this skidding of this 326 markets, this one time, these two weeks; that is the only time I had any jobs from Joseph H. Mitchell, except working for him by the day.

Q. Did you work for him by the day? A. No, sir.

Q. He says that "during the spring of 1894, or after the first of January I did enter upon the State lands of lot 90, township 26, Totten & Crossfield purchase, and cut and take away some cedar from said lot, and it may be I cut spruce and balsam on the said lot when cutting near the lines of lots 102 and 103 of said township?" A. I did not help cut or skid any of them, but I think the morning we were coming out I hitched my horse aside of his—I don't know what lot it was on—and I got a lot of cedars and drew them out; that is all I know about those cedars.

Q. What was done with the cedar? A. I don't know what he did do with them.

Q. What did you do? A. I did not have anything to do with it.

Q. You had to do with the hauling of the cedar, and what did you do with it? A. Delivered it at his house.

Q. In Olmsteadville? A. No, sir; Minerva.

Q. Didn't you know at the time you were at work upon that job that you were at work upon State land? A. No, sir; I was not used to the woods and did not know lot lines or anything; I supposed I was on railroad lands.

Q. Were you in partnership with Joseph H. Mitchell in any timber transactions? A. No, sir.

Q. What were you paid for your work and by whom? A. I was paid what little I got;—it wasn't but little—by Joseph H. Mitchell.

Q. And how much? A. I only got a little of it.

Q. Just give the amount of it? A. About forty dollars, I guess.

Q. Did you have conversation with Thomas Powers and Andrew Johnston in reference to your timber job on lots 102 and 103, township 26? A. No, sir.

Q. Was James Kingsley in your employ or Mitchell's? A. He came along and I put him to work.

Q. Was he at work upon lot 90 for you or on lots 102 and 103, township 26? A. I suppose it was lot 103; I thought that was the lot I was on; if I got off I did not know it; I worked by Mr. Mitchell's orders.

Q. Did you cut and skid the timber wherever he directed you to? A. Yes, sir.

Q. Did you have any directions from any other persons in reference to your work? A. No, sir.

Q. Are you a brother of Benedict Lahey? A. Yes, sir.

Q. What other transactions, if any, have you had in reference to timber? A. Well, not any that I can speak of.

Q. Did you ever work for John Owens? A. No, sir.

Q. Or Charles Callahan? A. No, sir.

Q. Or Edward P. M. Lynch? A. No, sir.

Q. Or Patrick Dougherty? A. No, sir.

Q. Or Charles Callahan? A. I worked for Charles Callahan one winter; I did not think when I spoke; one winter he lumbered for Knapp & Faxon; it is on township 26.

Q. What is the number of the lot? A. I don't know the number.

Q. When was that? A. Three years ago.

Q. Haven't you been lumbering every winter for the past few years? A. I worked for other people.

Q. Who have you worked for? A. I have worked at Newcomb for John Anderson; I worked for John Anderson last fall and for Myron Buttles.

Q. Anyone else? A. No.

By, Mr. MILES:

Q. Mr. Lahey, how did you come to make this statement in the affidavit which you swore to on August 30th last, that you inquired of Mr. Johnston if he was to have the logs and if Mitchell was to pay stumpage and if it was all right to go on with the job? A. That affidavit, the first of it is wrong; I never told them of any such thing.

Q. But this is your affidavit sworn to by you? A. Well, it must be wrong; Mr. Johnson told me that Joseph Mitchell paid stumpage on the timber he got.

Q. Did he tell you to whom he was to pay stumpage? A. No, he did not say.

Q. Do you understand to whom he was to pay stumpage? A. No sir, I do not.

Q. Now, how did you come to make that affidavit if the statements it contains are not true? A. Well, I will tell you just how I came to make it; I went to Mr. Johnston's and I was going to buy a harness and I asked him if he would take Joe Mitchell for pay for harness; I was going to buy the harness of Mr. Johnston and Joe Mitchell was owing me and I asked him if he would take Joe Mitchell, and he said: "I don't know; there isn't much coming to Joe Mitchell after he pays the stumpage."

Q. Why did you sign that affidavit if it was not true? A. I think I must have misunderstood it; please read that over again.

Q. "The said Joseph Mitchell told me that one Andrew Johnston, of Olmsteadville, was to have the logs; while at work on the job I inquired of the said Andrew Johnston if he was to have the logs, if the said Mitchell was to pay stumpage, and if it was all right to go on with the job; he said he was to have the logs, that Mitchell was to pay stumpage, and that everything would be all right?" A. Well, he told me that Mitchell paid the stumpage; that is all straight enough, that Mitchell paid stumpage; I know I never asked Mr. Johnston that.

Q. Why did you make that affidavit if that is not true? A. I think I must have misunderstood him when he read it; when I made the affidavit he read it, and I can not read writing, and must have made a mistake; I intended to tell it just as it was to Mr. Durfee.

By the CHAIRMAN:

Q. You knew at the time that the work was being done on State lands? A. No, sir.

Q. When did you learn of that fact? A. It was afterwards.

Q. When did you learn that fact? A. That it was on State land?

Q. Yes. A. After.

Q. I say when? A. After I got the job skidded.

Q. You mean after the work was all through. A. Yes.

Q. How long after? A. Well, it was along in the spring.

Q. Of what year? A. Spring of 1894, I think it was.

Q. From whom did you learn it? A. Well, now, I would not say; I could not swear to it, because I heard it in so many places.

Q. Were you paid in full for your work on that job? A. What do you mean; full amount due me?

Q. Yes. A. I never was paid it.

Q. How much is owing to you on that job? A. Well, there is about — well, I could not tell exactly; there is some.

Q. A hundred dollars? A. I don't think there is that much.

Q. You only received forty dollars on that job? A. On that job I think it was about forty dollars.

Q. Is there any other job that is in your mind upon which you did any lumbering work? A. No, sir.

Q. As I understand you this is the only timber job you have had? A. Yes, sir, that is the only kind of a job I have had that I have done of my own.

By Mr. TEN EYCK:

Q. What did you say about where you commenced to cut, near the Balfour clearing? A. I think it was about west of the Balfour clearing.

Q. Was it near the river? A. It was near the river; it was the further end of the lot, and I cut toward the Balfour clearing.

By the CHAIRMAN:

Q. Why did you begin so far from the clearing? A. Well, I don't know what was the reason; I was told to begin there.

Q. How far was that from the clearing? A. I don't think it was over a half a mile from the edge of the clearing.

Q. Wasn't it so that your work there might be under cover and kept as secret as possible? A. It could not be; it is right along the road-side.

By Mr. TEN EYCK:

Q. I understood you to say you cut toward the clearing? A. Yes, sir.

Q. What do you mean when you say in your affidavit "we continued on both sides of the roadway and worked toward the Boreas river;" did you so state in your affidavit? A. I must have made a mistake in it some way, because I don't remember that.

By Mr. ELDRIDGE:

Q. Which side of the river is the Balfour clearing? A. On the south side.

Q. The same side the logs were on? A. Yes, sir.

By Mr. TEN EYCK:

Q. Where did you make this affidavit? A. I made it—well, it is Baker's place; Mulvey was running it then; it is a hotel.

Q. Who was there when you made it? A. Mr. Daniel Lynch.

Q. Who else? A. Mr. Durfee.

Q. What time of the day was it? A. It was about between 9 and 10.

Q. In the morning or evening? A. In the morning.

Q. How did you come to be there? A. I went up there to see him.

Q. How did you go to see him? A. Well, I went to see him because he might have thought that I went in there and stole timber on my own hook.

Q. What did he say to you? A. I introduced myself to Mr. Durfee; I told him I heard he was looking for me and he said he inquired at our place the other evening, and so he had.

Q. Did he tell you who he was? A. No; I knew who he was.

Q. Did he say whom he represented? A. Yes, sir.

Q. Whom did he say he represented? A. Well, I forget now.

Q. Did he say the State Comptroller? A. No, sir; I did not think he did.

Q. Well, who was it he said he represented, the New York Herald? A. I forget.

Q. Did he say that he was working for the State? A. No, sir; I don't think as he did; I will tell you, I don't want to say anything but what is so.

Q. Now whom did he say that he represented, do you remember? A. I do not.

Q. Did he say he was on business entirely for himself? A. No; I knew who he was.

Q. Who did you know he was? A. I knew he was a State man; of course I ain't educated and I do not know what the names of all these men at Albany are and the different offices.

Q. He gave you to understand that he was a State official? A. Yes, sir.

Q. What did he ask you to do? A. He asked me up to his room

Q. Just tell the committee what took place when you went up to his room—who was there when you got up to his room? A. Mr. Lynch.

Q. Just tell what took place? A. I don't know.

Q. He had some talk? A. He called in Mr. Lynch and asked me what I knew about it, and I went on and told him as near as I could; he asked me some questions and I told him as nearly as I could.

Q. Did he write? A. Yes, sir.

Q. Go on and tell what took place there? A. I am telling you about as near as I can; there wasn't much of anything took place; he took a chair and I did and we sat down, and he asked me questions and I answered him as near as I could and told the truth as near as I could.

Q. What else took place? A. I don't know.

Q. Can you write? A. Not much—not a great deal.

Q. Can you write your own name? A. Yes, sir.

Q. Can you read writing? A. No, sir.

Q. Did he write while you were talking with him? A. Yes, sir.

Q. And did you finish the conversation? A. Why, yes; we got up and shook hands, and he called me down and treated and I went away.

Q. He was a pretty good fellow? A. I thought he was a nice man.

Q. How many drinks did he take? A. He did not take any.

Q. He did not let you drink? A. I would not, for I don't drink.

Q. What did you take? A. I took a cigar.

Q. What did you do after he got through writing; did you sign your name to anything? A. I don't think I did; I don't remember it.

Q. Will you swear that you did or did not? A. No, I could not.

Q. Of course he read over to you what he had written? A. Yes, he did.

Q. Then you signed that? A. I would not say whether I did or not; I could not swear to that.

Q. Did he read this over to you: "The said Joseph Mitchell told me that one Andrew Johnston, of Olmsteadville, was to have the logs; while at work on the job I inquired of the said Andrew Johnston if he was to have the logs, if the said Mitchell was to pay stumpage, and if it was all right to go on with the job; he said that he was to have the logs, that Mitchell was to pay stumpage, and that everything would be all right;" did he read that to you, or did he tell you that? A. There is some of it there that I told Mr. Durfee, and some of it I did not tell him.

Q. Did he read that part to you? A. I don't remember his reading that part.

Q. Did you tell him this: "The said Joseph Mitchell told me one Thomas Powers, forester or State agent, had bid in all the State land and had the sale of the timber; he further said, when we got through with this job I will see Thomas Powers and go in on that other lot, which was north of where I cut the spruce and balsam, and as I understand it, it was on lot 90, township 26th, in Totten & Crossfield purchase?" did you state that to him? A. He told me that Mr. Powers was going to try and bid it in.

Q. Who told you? A. Joseph Mitchell.

Q. You are being questioned as to what you told Mr. Durfee? A. Yes, sir.

Q. Now, we have an affidavit here which purports to come from you? A. Well, that part of it that you read before, I think there is some of it I did not sign or see.

Q. You were very willing and anxious to give him an affidavit were you not? A. Yes, sir.

Q. And you went there for that purpose? A. Yes, sir.

By the CHAIRMAN:

Q. For the purpose of clearing yourself from trespass on State lands? A. Yes, sir.

Q. You knew at the time you were there that the timber had been taken from State lands? A. Yes, sir, I heard just before that it was State.

Q. Why were you so particular to settle the matter with Mr. Durfee? A. I was not so particular to settle it; he went to these men that worked for me and they told him the whole thing about skidding; he came to my place and I was not in, and that night when I came home they told me about it and I went to see him about it.

Q. Did you ever try to arrange the matter with Thomas Powers? A. I never had anything to do with him.

Q. Didn't you know that Thomas Powers was the forester for this section? A. Yes, sir.

Q. And that it was his duty to prosecute all trespass upon State lands? A. Yes, sir; I suppose he is for that business.

By Mr. TEN EYCK :

Q. Had it ever been intimated to you by any one that Thomas Powers would prosecute you for trespass upon State lands? A. That he would what?

Q. Would prosecute you for trespass; had somebody told you that; that is, after the cutting was over? A. Yes.

Q. Who was it ever told you that? A. I don't think there was anybody ever mentioned any such thing as that.

Q. But you thought he would? A. I don't remember anybody mentioning any such thing as that to me.

Q. You don't know that you had been cutting and trespassing on State lands? A. I do not know, no, sir.

Q. Who was you working for at this time when you were on this job? A. Joe Mitchell.

Q. Did he have a partner? A. No, sir.

Q. Do you know that he ever had a partner? A. No, sir.

Q. You was not working for Andrew Johnson? A. Who?

Q. At this time? A. Me?

Q. He was not a partner of Mitchell's? A. No, sir, not that I know of.

Q. And Thomas Powers, as far as you know, was not a partner? A. No, sir, not that I know anything about; if he was, I don't know it.

Q. Were Johnston and Mitchell interested in this transaction together? A. I don't know.

Q. Did you ever know of any business transaction that those three men were interested in together? A. No, I could not swear.

Q. Did you tell Mr. Durfee that they were interested in any transaction? A. I don't remember of having ever told them.

Q. You know whether you did or not? A. I would not swear to such thing.

Q. You say just now that you don't know that they were ever interested; if you did tell Mr. Durfee, was it true or false? A. What did you say

Q. You would be apt to tell them if they had not been interested and you had known it? A. Yes, sir.

By the CHAIRMAN :

Q. From the relations and transactions between Thomas Powers and Andrew Johnston and Joseph Mitchell, of which you had knowl-

edge, you believed you were safe in doing the work on lots 102 and 103, and lot 90 of township 26, and fear no prosecution; is not that the fact? A. I supposed it was all right.

Q. Now tell me as to what knowledge you had as to the relations and business transactions between Thomas Powers, Andrew Johnston and Joseph Mitchell? A. I knew of none between Thomas Powers and Andrew Johnston; all the transactions I had was with Mitchell.

Q. What knowledge had you of the relations of those other men? A. I hadn't any except that Johnston told me that Joe Mitchell paid stumpage.

By Mr. TEN EYCK:

Q. He did not tell you who he paid it to? A. No, sir.

Q. You said you did not know of any business transaction between Thomas Powers, Joseph Mitchell and Andrew Johnston? A. I don't know as I do.

Q. Then if you didn't know that, did you ever tell Durfee that, if you did not know it? A. No; I don't remember of telling it.

Q. Well, supposing he says that you did, what would you say? A. I should have to say "no," because I don't remember telling him any such thing.

Q. Supposing you were shown a paper which purports to be an affidavit which you made and in which you made such a statement and swore to the same, what would you say to the same, would you say it was true or false, or that you never swore to such an affidavit? A. Well, I don't know; I could not swear to no false—but I did not tell Mr. Durfee anything that was not just as it was, that I remember of—just what he asked me; what you read me there, some of it I did not tell him.

Q. Did you ever tell him that Joseph Mitchell, Thomas Powers and Andrew Johnston were interested in a business transaction? A. It is so long ago that I—

Q. You just said that you did not know that they were ever in such a business transaction and never knew of it; now, did you tell Durfee of that? A. Well, all that I know of it is that they were in together when they bought the timber of Mr. Powers.

Q. What made you think that? A. Because Mr. Powers and Mr. Johnston came to the shanty one day and I did not know of any other business that they were there on.

Q. You jumped to that conclusion from the mere fact that Johnston and Powers came to the shanty and Bertha Mitchell told you? A. Mitchell told me before that he thought of getting some logs in.

Q. Do you mean to say that you never take a glass of liquor? A. I have when I did not feel well, but not to drink liquor; I never drink liquor; I have taken a glass of brandy when I did not feel well.

Q. You felt pretty good that morning when you saw Mr. Durfee? A. No, sir, I did not feel very good on liquor.

Q. What ailment did you have that morning? A. I did not have any.

Q. You did not take any liquor that day at all? A. No, sir.

Q. Who was it told you that Mr. Durfee wanted to see you? A. My own father.

Q. What did he say to you? A. He said that there was a man staying with Mr. Lynch; he said that he was a State man and he wanted to see me.

Q. Did he tell you what he wanted to see you about? A. Yes.

Q. What did he tell you? A. He said he wanted to see me about State land where I had been skidding logs.

Q. What else did he tell you? A. He did not tell me anything.

Q. Whereabouts was you when your father told you this? A. At home.

Q. How far was you from where Durfee was? A. At home.

Q. How far was you from where Durfee was? A. About a mile.

Q. And you hooked up and went down and saw Durfee? A. I did not go down until the next morning.

Q. Who made the proposition about your making an affidavit on this subject? A. Mr. Durfee, I think; I told him I wanted to tell him what I knew about it; he says, "Come upstairs," and he sat down and wrote and asked me a few questions; he asked me quite a lot of questions; I was there about an hour.

Q. And then he wrote? A. Yes.

Q. After he got through writing what did he say and do and what did you do? A. He read this.

Q. Read what? A. This paper that he wrote on.

Q. He read very legibly, so that you could understand everything? A. He read rather fast; I understood most all of it; that is, I thought I did.

Q. Did you ask him if the affidavit contained just what you said to him, or didn't you say anything? A. I did not say anything.

Q. Now you say in this affidavit that "we continued on both sides of the roadway and worked toward the Boreas river;" now in your testimony here you say you worked toward the clearing; that is wrong? A. Yes, sir.

Q. You did not tell him that? A. No, sir.

Q. You did not tell him that Johnston was to have the logs and Mitchell was to pay the stumpage, and it would be all right? A. He told me that Mitchell was to pay the stumpage.

Q. But he didn't tell you that everything would be all right? A. No, sir.

Q. (Reading.) "The said Joseph Mitchell told me one Thomas Powers, forester or State agent, had bid in all the State land, and had the sale of the timber; he further said when we got through with this job I will see Thomas Powers and go in on that other lot, which was north of where I cut the spruce and balsam, and, as I understood it, it was on lot 90, township 26, in Totten & Crossfield Purchase?" A. Well, I told him part of that.

Q. What part of it did you tell him? A. I told him that Mitchell told me that he didn't know but Thomas Powers got that lot over there, and if he did, when we got through skidding these few that we were skidding we would go over there and skid.

Q. But the rest of what I have read to you, you did not tell him? A. No, sir.

Q. And did you say this: "The said Joseph Mitchell told me that the said Andrew Johnston and the said Thomas Powers had been up to the shanty on the Balfour clearing, and he had taken the job from them to cut the timber which I afterward cut and piled, and was measured by the said Ackley;" did you tell him that? A. I told him that the girls told me.

Q. I am asking you if you told Mr. Durfee that Mitchell told you this; did you tell Durfee that Mitchell told you this that I have just repeated or read to you? A. Yes sir, I did.

Q. Did Mitchell tell you? A. They talked of it there in the house—in the shanty; I think Mitchell told me.

Q. What did you mean when you said that the girls and the chore boy told you? A. Yes, the girls and the chore boy told me; I supposed that Joe took the job; he said he was waiting for them to come up.

Q. But Mitchell did not tell you of this; it was the girls and the chore boy? A. Yes; he told me that they would come up that day.

Q. Who told you, Joe or the girls? A. The girls.

Q. But Joe did not tell you? A. I don't know but what we talked about it in the shanty.

Q. Did you tell Durfee that Joseph Mitchell told you that they would come up? A. No, sir, I don't believe I did.

Q. Where had you been before you went down to the shanty? A. I had been drawing logs

Q. And cutting logs? A. No, sir; I had been drawing logs for Mr. Mitchell.

Q. Those logs were cut before? A. Yes, sir.

Q. And then after this did you take a job and cut, after they told you that Powers had come up? A. Yes, sir, I took a job.

Q. After that? A. Yes, after that.

Q. Now, did you tell Mr. Durfee this: "From the relations and business transactions between the said Thomas Powers, Andrew Johnston and Joseph Mitchell I believed I was safe in doing the work and need fear no prosecution." Did you tell Mr. Durfee that? A. I told him in a little different way; I thought it was all right; that the timber was all right; supposed it was all right or I would not have been there.

Q. Did you tell him the way that I have read it to you? A. Yes, sir, I told him that I thought I was all right.

Q. You believed you were? A. I thought I was all right, of course.

Q. What do you mean by that? A. That I was all right in doing the work.

Q. Well, do you mean by that that you knew you were working on State land and would not be prosecuted, or that they had decided they were individual lands? A. Well, I supposed that the lands were all right; that they bought the timber and it was all right.

Q. Did you mean by that statement that I have just read to you that Thomas Powers, Andrew Johnson and Joseph Mitchell were in league together to cut timber from the State lands? A. No, sir.

Q. You did not mean that? A. No, sir.

Q. Well, tell us what you did mean, then, in your own way — what you meant by that statement? A. Well, I tell you that I thought it was no such thing as State land; that Thomas Powers, a big man, driving around, owned lots of land.

Q. Then you supposed that it was individual and not State land; is that what you understood by that statement. A. Yes, sir?

Q. Did you ever know of a depredation to the State land in which Thomas Powers had knowledge of the fact of the depredation and he neglected to prosecute the parties who committed the depredation — of your own knowledge, now? A. No, sir, I do not think that I ever did.

Q. Do you know — I am not asking you what you think? A. No, I do not know.

Q. Do you know of any other State official that had knowledge of depredations to State lands and neglected to prosecute? A. No sir, I do not.

Q. Do you know where there have been depredations to State lands and they have not been prosecuted? A. No sir.

The committee then adjourned until to-morrow morning at ten o'clock.

LELAND HOUSE, SCHROON LAKE, N. Y., *August 14, 1895.*

The committee met pursuant to adjournment.

PATRICK DOUGHERTY, being duly sworn, and examined by Chairman WILDS, testified as follows:

Q. Where do you reside and how long have you lived there? A. I am residing now in Olmsteadville, town of Minerva, Essex county, N. Y.; I generally have always lived in the town of Minerva.

Q. How old are you? A. About 57 as near as I can judge—not far from it.

Q. How long have you lived in Olmsteadville? A. Well, I have lived there off and on at different times; I have lived there this last three or four years steady; I lived there before and moved off and came back.

Q. But you were born in Minerva, Essex county, N. Y.? A. My memory don't call me back to that date, but I believe I was.

Q. What is your name? A. Patrick Dougherty.

Q. Are you commonly called "Bob" Dougherty? A. Commonly called "Bob," people called me it.

Q. Have you a brother Bob. Dougherty? A. No, sir; I have a nephew named that.

Q. Where does he live? A. In Minerva.

Q. Was he born there? A. Yes, sir.

Q. How old a man is he? A. He is a man 25 to 30; about 30 I should say.

Q. During the last five years have you been known by your neighbors as a man of property and estate? A. I don't know what my neighbors know about me.

Q. During the last five years what property have you been possessed of? A. Very little.

Q. Have you every held or owned real estate? A. Well, indirectly I did and directly, I guess not; I think not; I have handled real estate but don't believe I owned a deed signed over to me legally, according to forms, in my life; I bought some land and sold it and never took out a deed and had it transferred from the starting point; I think I can safely say I never owned any land in the country.

Q. In your life? A. In my life.

Q. What did you mean by your statement just made that you may have owned indirectly? A. What I mean indirectly, I might have bargained for land; for instance, if you will allow me to explain it, supposing I bought a piece of land from you and you had to give me the deed and calculated to when I complied with the agreement; I would perhaps sell that land to somebody else before I called upon you for the deed; and consequently you would make the deed to the other party; that is what I mean by it.

Q. During the last five years you have never held any title to any land whatever, have you? A. No title.

Q. During the last five years you have never held a contract for the purchase of any land whatever, have you? A. No, sir.

Q. During the last five years you have never sold any land whatever, have you? A. No, sir.

Q. What taxes during the last five years have you paid? A. Poll tax.

Q. Of one dollar a year? A. Supposed to be about that; a day's work, equivalent to one dollar.

Q. And that is the only tax which you have paid? A. Yes, sir.

Q. At any time during your life? A. Oh no; I paid taxes for other people before.

Q. For yourself? A. That is all.

Q. You have never paid taxes except a poll tax during your life? A. No, sir.

Q. You then are not known by your neighbors as a man of estate and substance? A. No, sir; I think they know me well enough to know that my estate is small, and another thing they know my bank account is small.

Q. Have you during the last five years kept a bank account? A. No, sir.

Q. Either in a bank of deposit or for savings? A. No, sir.

Q. Have you in the last five years bought standing timber? A. Yes, sir.

Q. From whom and where, and what consideration did you pay for the same and in what manner and where was that timber located? A. Well, I have bought timber at different places inside, I believe, of five years; I will have to call my memory together; I bought some inside of five years on the 26th township in the town of Minerva, standing on the stumps or before it was cut; I bought no land; I bought some timber from Henry Bradley; I bought some timber from Orson P. Morse; I presume that is what you want to know.

Q. Is that all you have ever bought within those five years? A. I ain't sure, but I think it is; I bought timber before, but I guess it is outside of five years.

Q. In order to make sure that you are stating all of your purchases, will you also state of whom you have bought standing timber within the last ten years? A. I bought timber within ten years from E. H. Talbert; there are three or four Talberts of pretty nearly the same name; I think it was the one they call String Talbert — commonly called that.

Q. Have you bought of anyone else? A. Not outside of Morse and Bradley.

Q. Now what was your transaction with Henry Bradley; when did it occur? A. Well, dates, I don't know anything about them; I will give you them as near as I can get at them; I bought the timber standing on, I think, the number is 118, 27th township; I ain't quite sure.

Q. Will you make sure by reference to the map? (Map shown witness.) A. I think it was 60 acres that he said that he owned in 118, in the center of the lot; a strip running across the center of the lot, which I think would make 60 acres; I believe there is 126 acres taken off here for the State; there is a piece here that I don't know; I tell you to start with that the map is not correct; that map is not

right ; here is a strip through the center here, running through the center of the lot, and I bought the timber on that, and if I remember rightly, it was on what he called 60 acres.

By Mr. NILES :

Q. Is there a tract on that 126 acres, known as the Fifteen-acre Tract ? A. I don't know of any such tract.

By the CHAIRMAN :

Q. When was that transaction ? A. It was in 1892, I think ; fall of 1892, I think.

Q. Did you have a deed from Henry Bradley for that timber ? A. No, sir ; I only bought the timber.

Q. Did you have a deed for that timber from Henry Bradley ? A. I had no deed ; I bought the timber for so much, a certain price.

Q. Is it not customary when timber is purchased standing, to have a deed from the seller in the same form in which a deed of the land is made ? A. I don't know.

Q. Did you ever receive in any of your transactions a deed of the standing timber or any writing whatsoever ? A. No, sir ; I never asked for it ; I took a man's word for it ; if his word was not good for that amount I don't know what it would be good for.

Q. At the time of your alleged purchase of the timber on lot 118, of township 26, from Henry Bradley, did you pay him for the same ? A. I paid him for the timber shortly after I purchased it ; him and I went on to the lot and looked at it and he showed me as nearly as he could the lines ; it commenced to rain and he did not show me quite the lines ; afterwards I got Orson Morse, the surveyor, to go and look out the lines for I think 60 acres, and then I sold the timber afterwards ; I never lumbered it myself ; I sold it again the same as I bought it at a little advance and let that man do the lumbering, and if you want to know the sequel of it, that man died and cheated me out of the pay.

Q. I am asking you how and when you paid Henry Bradley for that timber ? A. We paid him the fall we bought it before the logs were delivered in the river ; I don't know exactly what time we paid him, but we paid him that same fall ; we paid him in 1892 or 1893.

Q. Who was with you in that transaction with Henry Bradley ? A. There was nobody, sir.

Q. Are you sure ? A. There was nobody.

Q. You say that "we" paid him? A. Well, I said "we," I sold the timber to another man and he lumbered it, and he was to pay me stumpage for the logs, whatever they would measure by the market log; he claimed he was short of money; I said "the timber has got to be paid for to start with; Bradley has got to have his money to start with; now you furnish money enough to pay for the timber and I will wait until later for the stumpage by the market."

Q. You had no money yourself? A. I paid no money myself, but it was paid in this way; then it was to be charged up, so much paid on the contract that this man had; just wait a minute; I have got some papers; I have got that contract which will give us the dates; this man paid though what I agreed to pay and was going to charge that to me, so much out of the stumpage; you understand?

Q. No, I don't understand. A. I, for instance, agreed to pay Bradley so much money for this piece of timber.

Q. How much did you agree to pay him? A. I don't remember quite what I agreed to pay him; I ought to have papers to show; this man said.

Q. What man? A. He is dead now; you won't find him unless you go into another country too hot for me to go into.

Q. What was his name? A. Nelson Burto.

Q. Now, go ahead with your statement? A. I am trying to find some papers; I think it was in the fall of 1892; I ain't got the right paper; I sold the timber to Mr. Burto; I bought the timber and gave so much for what was on the lot.

Q. How much? A. I cant tell you, for I don't now remember.

Q. How much do you think it was? A. I think it was about \$125.

Q. Did you give a note for the amount? A. No, sir.

Q. Did you pay down any money? A. No, sir; some places they take my word; I don't know as they would in Schroon Lake, but they do in some places—small amount perhaps; I sold the timber to Burto and he was to give me so much stumpage.

Q. How much? A. 25 cents a market log; he failed to do it and I let it run; he was to pay me at a certain time, but I did not enforce collection; I knew he was a little embarassed; afterwards he died before he paid me.

By Mr. WAGSTAFF:

Q. Did he cut the timber? A. I think he did; he showed me the lines where Mr. Morse surveyed out.

By the CHAIRMAN :

Q. Did Nelson Burto pay out anything on that transaction? A. I think he paid me fifty dollars.

Q. Did he pay Henry Bradley anything on account of your purchase? A. I think he did; if he had not Bradley would have made a remark to me that there was so much back.

Q. Do you claim to have paid Henry Bradley in full for your purchase of timber on lot 118 from him? A. I claim we paid Bradley in full what I agreed to pay him — not “we” but “me” what I agreed to pay him; I claim I paid in full through Nelson Burto; we satisfied Bradley’s claim or he would not have let us cut the timber.

Q. Have you any receipt from Henry Bradley for any payment made to him? A. I took Bradley at his word in a little bill like that; I have no receipt.

Q. As I understand, you say you sold the standing timber, which you claim to have bought of Henry Bradley, located on lot 118 of township 26, to Nelson Burto? A. Yes, sir.

Q. Was any writing signed between you and Burto? A. Yes; we had a contract; I wrote it myself and he signed it.

Q. Where is that contract? A. I think it is in Olmsteadville; I thought I had it with me, as that would give me the dates; I meant to put it in here, as I thought it would be necessary to refer to it for dates.

Q. You remember, however, that you had a writing that was signed by you and Burto? A. I just made that remark, that I wrote a contract and he signed it.

Q. Was anything paid to you by Burto at the time of signing that contract? A. No, sir.

Q. When was the first payment under that contract made? A. The first made to me was about the 25th of December, along about Christmas time; he was to pay me for the logs when they were on the skids, before they were drawn away; he had not drawn any at this time, and he said: “I have got \$60 I will pay you on those logs, but I can’t give you any more now, for I am short of money;” I said if that is the best you can do I will take it.

Q. That was in December, 1892? A. I think it was in December, 1892; it was the year I handled the logs and sold them.

Q. Do you know of any payment having been made to Henry Bradley by Nelson Burto? A. He paid Bradley what I did not pay him—\$125.

Q. Do you know of any receipt having been given by Henry Bradley? A. No, sir; I never asked for any receipt and never saw one; I knew that Henry Bradley's word was good enough and never asked him for a receipt.

Q. Was the \$50 paid to you by Nelson Burto the amount of your profit on the purchase and sale of that timber? A. Not quite that; I sold at the same time to Mr. Burto a piece of timber standing on lot 103, same township; I don't remember what he was to give me for what was standing there, but it was all pretty nearly the same; I had lumbered part of it myself before, and I told him "you go on and pick up what you can inside of 103 acres here," and gave him the lines as near as I could; what was outside of the lines I did not sell him; this payment that he made might apply on the whole or on part.

Q. What quantity of timber and of what kind was taken by Nelson Burto from lot 118, township 26th under his alleged purchase from you? A. Spruce timber; I don't know how many logs; I never got a settlement with him.

Q. Did you never know of the measurements? A. I never got anything from him only what he paid Bradley in that way; he got out of the place and died.

Q. Was the timber cut by Nelson Burto from lot 118 in the year 1892? A. I think it was in 1892 or 1893; I ought to know enough to figure back two or three years; it was cut I think in 1892 and put in the river in 1893; it was cut, you know, before the first of January, and that was in 1892, and after the first of January in 1893 there was snow and we drew it.

Q. In your transaction of sale of timber on lot 118 to Nelson Burto, how were the bounds of the land upon which that timber was standing described? A. Will you allow me to look at the map again (map shown witness); the way I understand it—perhaps I won't have the right idea—but the way I understand it, in the central part of the lot there were 125 acres on the south part of the lot—120 or 125; 236 acres I believe was in the lot, and off of the south end there was 100 and some odd acres—120 or 125; Bradley, I think, took in 160 acres in the center across the lot running from the west to the east line, I calculate—a strip running any way across the lot 160 rods across it I don't remember how many chains but it amounted to about 60 acres, and that is the timber I bought and sold to Mr. Burto.

Q. That is the timber which you supposed to be standing upon the alleged 60 acres within lot 118? A. Yes, sir.

Q. Did you sell or claim to have sold to Nelson Burto all the timber that you claimed to have bought from Henry Bradley standing on lot 118? A. I sold him all that I bought of Henry Bradley, 60 acres that Bradley claimed to own. I sold him all that was on that 60 acres that I bought of Bradley; outside of that I did not own any.

Q. And never did own any? A. No, sir, not outside of that.

Q. Now you remember subsequently your transaction with Owens and Callahan? A. Yes, sir.

Q. In reference to the timber on lot 118? A. Yes, sir.

Q. State what that transaction was? A. The transaction was this: What Nelson did not take and was left back, I sold then what was left back, whatever it might be; I never knew for I never looked to see what was of it.

Q. I thought you said you had already sold to Nelson Burto all you bought from Henry Bradley on lot 118? A. Yes, sir.

Q. Do you mean to be understood that afterward you made sale of the same timber or of any part of the same to John A. Owens and Charles Callahan? A. Yes, I mean to be understood that way.

Q. You have already stated that you were paid in full by Nelson Burto for the timber which he bought of you? A. Oh, no, sir; I did not state that.

Q. What did you want to be understood as stating? A. I want to be understood as saying that in the meantime he died and consequently I did not get the balance of my pay; no, no, he did not pay me in full; his contract was to cut the timber that year and if he did not cut it that year it fell back into my hands, and I told those men next year that if they found any timber I sold them what he had not cut; I did not want to be understood that he paid me in full.

Q. Had you gone upon the land to ascertain how much remained uncut? A. No, I have been on the land but I did not look it over very close.

Q. Had all the timber that Nelson Burto had cut from lot 118 been skidded and hauled off? A. I don't know whether it was or not, for I did not look to see close; in parts I know it was, but I never looked at the lot to ascertain whether it was or not.

Q. In making your bargain with John A. Owens and Charles Callahan, what facts did you have as to what timber was remaining upon that lot for sale which you might make to them? A. Well, as I understand it—the Forest Commission report at that time—Bradley claimed to own this part, and he claims it yet; Bradley then owned the timber on this

120 or 126 acres on the south end of the lot; he had bought the timber before, cut some of it, but had not cut it all; he had a contract for it and if you will look the forest commission report over, which we followed as near as we understood it, there will be 26 acres there that belonged to Henry Bradley; not the land but the timber; on these 26 acres, if we understand it right, there was a little bit left, and Bradley in making this sale to me throws this in, if it belonged to him; he sold me nothing only what he claimed he had a deed of and good title to, but if it was right there were 26 acres there that he said you can have that in with the bargain; well, according as I understand the Forest Commission report of that date; have you got it here? Well, if you have, look it over and I think you will see that there is 26 acres there that do not belong to the State; perhaps Callahan and they cut on that 26 acres; I don't know where they cut; I have not been there since.

Q. What were the terms of your agreement with Callahan and Owens? A. Well, they were to give me \$25 for what was left on the Bradley lot.

Q. Did Owens and Callahan know that you had made a previous sale of the standing timber on lot 118 to Nelson Burto? A. Oh, yes; Nelson was dead at this time; he lumbered there the winter before.

Q. Was he dead at the time you made this contract with Owens and Callahan? A. Yes, sir.

Q. When did you have this transaction with Owens and Callahan? A. I think it was in 1893 or 1894; I don't know but what the time of trade was in 1894.

Q. After the first of January, 1894? A. I think so.

Q. Did they pay you the \$25? A. Well, they paid it; they gave me the equivalent.

Q. In what manner, if ever, was the \$25 paid to you? A. I think Callahan gave me a check for part of it.

Q. On who? A. I don't remember; I put the check in cash satisfactory to me.

Q. When was the payment made to you? A. In the spring of, I think it was 1894, along in the spring, March or April.

Q. Was the payment made by John A. Owens or Charles Callahan? A. Made by Callahan; the check.

Q. And what was the amount of the check? A. I don't remember; the amount of the whole would not be over \$25; the check called for something less.

Q. In making your sale of standing timber to Owens and Callahan, did you put into the writing between you a proviso, "if you owned the standing timber you sold the same?" A. There was no writing betwixt Callahan, Owens and me, at all; I put in the proviso by words, what I owned, but there was no writing betwixt us about lot 118; there was writings betwixt Owens and Robbie Dougherty and me on 117, but that was a separate thing; there was no writings between Mr. Owens, Callahan and me at all on lot 118; we are foolish enough here to take a man's word.

Q. Did Owens and Callahan cut the timber on lot 118? A. I don't know; I never went to see.

Q. Are you testifying to the truth in that answer? A. Am I testifying to the truth?

Q. Yes, sir. A. I am trying to testify; I don't think that is a proper question; do you think I am trying to lie?

Q. Did Owens and Callahan cut the timber on lot 118? A. I have not been on the lot since; I have not been there since.

Q. Do you know how much timber was taken from lot 118 under your sales to Burto, Owens and Callahan? A. No, sir, I do not.

By Mr. NILES:

Q. The \$50 he paid you was only on account of the stumpage? A. Yes, on the stumpage; through our deal I let him have some logs on 103; we considered that on the whole deal perhaps; I got \$50 out of him and he paid Bradley for the logs; he satisfied Bradley and that is all I ever received from him on that deal at all; what he did not lumber—you know a man don't always lumber clean; there is always something left, and what was left, I never looked to see, I sold to Owens and Callahan; I never looked to see what it was; I did not think there was anything left worth looking after.

By the CHAIRMAN:

Q. What other transaction of purchase of standing timber have you ever had with Henry Bradley? A. Not any only what was contained in this lot 118.

Q. What transaction of purchase of timber, standing or cut, have you ever had with Henry Bradley? A. Not any, only what was on 118.

Q. What transaction of purchase of timber have you ever had with Orson P. Morse? A. Well, Orson Morse — I have got to tell it in my way, tell it so I understand it and I guess you will when I get through, if you will allow me the privilege.

Q. Go ahead. A. Orson Morse bought timber on 117, the central part of the lot; the north and south ends of it, I think, belonged to the State; there was a piece in the center of about fifty acres, I believe, that he bought from somebody that owned it — I think he bought from Coolidge, guardian for some heir — I don't remember; he bought the timber but did not own the land, and I bought his contract afterwards and afterwards sold it again, but lumbered it myself — to Robbie Dougherty and John A. Owens — and about the time the timber was pretty well on the river; the State came up and claimed it, perhaps which they had a right to do; I never knew for certain whether they had or not; I bought the timber — his claim — his right to the timber I believe on fifty acres in the central part of lot 117, township 26, and I paid him \$50 for his contract — his rights — whatever it might be.

Q. When was that transaction and how did you pay him? A. I paid him money in the fall of 1893, along about the first of November; somewhere about there.

Q. Was that your only transaction with Orson P. Morse with reference to timber? A. Yes, sir.

Q. About November 20, 1893? A. Yes, sir; about November 20, 1892, I bought the timber of Mr. Morse; I bought of Bradley in 1892 on 118 we were speaking of.

Q. What did you do with the timber that you bought of Orson P. Morse, standing on lot 117, township 26? A. I sold it to Robbie Dougherty and John A. Owens, standing in the trees.

Q. What were the terms of your sale and when was that sale made? A. It was made in the same year I bought it — about the same time I bought it, or very shortly after; the terms were I sold them for 28½ cents a market log, as we understand market logs; they were to pay me 28½ for each market log.

Q. What settlement, if any, has been made with you by Bob Dougherty and John A. Owens on that transaction? A. Not any.

Q. You have never received a cent? A. Not that I am aware of.

Q. Well, are you to be understood as stating that you are out \$50 on your transaction with Mr. Morse? A. I am out what I put into it — no — wait; they paid me \$35 on this contract.

Q. Who? A. Bobbie Dougherty and John A. Owens — \$35; I am out the balance.

Q. How much? A. Well, I paid Orson Morse \$50, but the logs amounted, as near as I can guess at it — I never found out — but the logs ought to have amounted to \$175 or \$180 by the stumpage as I sold it to them.

Q. To whom? A. Bobbie Dougherty and Owens and Company, if there was any company about it.

Q. Was the timber which Owens and Dougherty cut from lot 117 under your sale to them ever measured? A. I presume they were; I don't know about it; I think some one told me there was in the neighborhood of a thousand market logs, more or less, but not a great ways from that.

Q. Did you not make it your business to ascertain how much timber was cut from that lot? A. No, sir.

Q. Why not? A. Because I could go at any time where the logs were sold and ascertain to the fraction of a log how many were cut; I never took the trouble to do it yet.

Q. Why not? A. They were not ready to pay me; they claimed afterwards that they sold the logs to other parties and the other parties claimed they had to pay to the State everything that was coming to me.

Q. What had that to do with you? A. I never enforced the contract; I thought I would wait until the thing was distinctly understood and it all worked around all right without forcing.

Q. Will you explain how? A. As I understand it, the State did not own this land at the time I bought it of Mr. Morse; they got title to it afterwards; as I understood it if they got the title to it after the logs were cut and skidded, they had no title to it; I would like to see the title to it now; I never found it yet; if you will show me where they have got title, you will do me a favor.

Q. Don't you know that the timber which Dougherty and Owens cut from lot 117 was cut from the State land on that lot? A. No, sir; I do not

Q. Don't you know that the State so claimed? A. No, I do not know that the State so claimed; I know that later this Agent Durfee was around here about a year ago; there was a man around here looking after this business; he claimed that it was State lands, and that is all I know about it; I have got his word for it; perhaps he was right; I am not sure he was.

Q. Did you ever look to see where Robbie Dougherty and John A. Owens were cutting the timber on lot 117? A. I was with them a few days.

Q. Did you have the lines run? A. No, I said we will get the lines run; later they said they found the lines; we tried to get a surveyor, but you can't get everything you want in this country; Mr. Morse could not get away from home; he said he would come as soon as he could; they had a lot of men to work and they said they found the lines and went to work; I left them on the lines; I never looked to see whether they were or not; I am no surveyor.

Q. Was there any writing between you and Robert Dougherty and John A. Owens on that transaction? A. Yes, sir; I have a contract I wrote myself.

Q. Have you that contract? A. Yes, sir; but I have not got it with me; it is to home; I meant to bring it with me; I said to myself, "I will bring them along because they will help me remember dates," but I neglected to do so.

Q. Did you sell to Robert Dougherty and John A. Owens all the timber that you alleged to have bought from Orson P. Morse on lot 117? A. Yes, sir.

Q. Do you remember having a transaction also with Charles Callahan with reference to the timber on lot 117? A. No, sir; not on 117 at all.

Q. What transaction did you have with Charles Callahan? A. Well, I sold him, if I had any right, I sold him whatever right I had, and I had whatever right Bradley had; and if Nelson Burto left anything, I sold him whatever was left on lot 118, township 26.

Q. Did you have any other transaction in reference to timber with Orson P. Morse other than that of which you have now testified? A. I believe not; I do not recollect of any.

Q. What transaction in reference to timber have you ever had with E. H. Talbert, and when was the same? A. Well, I bought timber standing from E. H. Talbert on lot 103, part of lot 102, and I believe he claimed to take in all of 115.

Q. You mean that your purchase took in all of 115? A. That is as I understand it from Mr. Talbert.

Q. What writing was there between you? A. There was not any; when I find a gentlemen that I think his word is good I take his word for that; I never asked him for any writing.

Q. What consideration was there for your purchase? A. I was to give him \$100, for what he claimed he owned in those lots.

Q. That is, 102, 103 and 115 of township 26? A. Yes; he give me a description of the lots as near as he knew, and later he had them surveyed

Q. By whom? A. By Mr. Morse.

Q. Please locate the time? A. It must be somewhere in the neighborhood of five years ago — I can't tell exactly in what year it was; it was within six years, I should say.

Q. And you claim to have bought from him all the standing timber upon those lots? A. Yes, sir; not all the lot, but what they owned of the lot.

Q. And how much did they own of the lot? A. He claimed in 103 that he owned 103 acres; in 102, I don't remember what he claimed to own in that; in 115 he claimed to own all of that, whatever there was in it; no, he sold me no timber that he did not claim to own.

Q. Who owned the balance of it? A. It was laid down in the Forest Commission report that the State owned it, but the devil himself or a Philadelphia lawyer could not figure out how much they owned in 103; I would like to have some of you gentlemen figure it out for me.

Q. How much did you pay Talbert for the timber? A. A hundred dollars.

Q. In what manner was that paid? A. I gave him Faxon's check.

Q. Who is Faxon? A. Charles Faxon.

Q. How did you get that check? A. Well, Mr. Faxon drew it and handed it to me and I handed it to Mr. Talbert.

Q. How did you come to get that check? A. Oh, I had a deal with him.

Q. What was the deal? A. He was owing me this amount of money; he bought some logs from me; Mr. Talbert happened to be in the office at the time, and I handed the check over to Mr. Talbert.

Q. What logs did Mr. Faxon buy of you? A. He bought logs that we put in off of those lots.

Q. What lots? A. One hundred and three, 102 and 115.

Q. The logs that you cut yourself from these lots? A. I had it done.

Q. By whom was it done? A. Who jobbed the logs? It was not done by me, I had it done; do you wish to have the names of the men?

Q. I wish to know? A. Well, I will look up my schedule of jobbers; Kenneson boys, some of them jobbed for me; some of the Gates boys jobbed for me; if I had the book I have got to home, I would give you the number they chopped for me each day.

Q. When did you cut the timber from lots 102, 103 and 115, and how much did you cut? A. I could not tell you how much we cut; I think we cut them along for two or three years running.

Q. Two or three years beginning with the year of your purchase from E. H. Talbert? Yes, sir.

Q. That is, beginning about 1890? A. Yes, sir; some of them are there yet to cut that I think we have a right to cut.

Q. What did you do with the timber that you cut from those lots? A. Sold it.

Q. To whom and upon what terms and when? A. Sold it to Andrew Johnston; in fact, I sold to those fellows; I sold some to Nelson that was not cut; he sold them afterwards.

Q. To whom? A. Nelson Burto; some of the big timber on those lots.

Q. Was the timber you sold to Andrew Johnston that which you had cut? A. Yes, sir.

By Mr. ELDRIDGE:

Q. Did you sell some to Faxon? A. Yes, sir.

By the CHAIRMAN:

Q. Did you sell to Faxon? A. I don't remember; I guess I sold them to Faxon; I sold four or five hundred market logs one year and some another.

Q. Has Faxon paid you in full? A. Well, he would say that he did, but if it is any information to you, I would say that he did not.

Q. You will reserve your impertinence for somewhere else. A. Well, I don't mean to be impertinent; he paid me up to five or six hundred dollars; there was a few hundred logs that he did not give account for; his measurers were on the bank of the river and I told them to measure them; they measured them and put on Mr. Faxon's mark and rolled the logs in; Tony Smith measured them and he failed to give Faxon an account of those logs, and consequently I never

received anything from them; consequently I say I never was paid up.

Q. Whose measurer was this man? A. Mr. Faxon's; he had different measurers; one of them was Mr. Smith; another was Mr. Eldridge, of Warrensburgh; there was another one, but I forget his name.

Q. What Eldridge? A. James Eldridge.

Q. Have you sold any timber from lots 102 and 103, township 26, other than that which you sold to Faxon? A. Yes, I have sold some to Burton

Q. When did you sell to Burto and how much? A. I sold them at the time I sold Mr. Bradley's, two or three years ago, now.

Q. What was your transaction—state the same in full? A. I sold him all the timber there was left on 103, which I was supposed to own—buying it from Mr. Talbert; I sold him what I owned there.

Q. How much did you receive for that sale? A. I received for the whole and this piece of Bradley's—I received \$50 at one time, and I think Nelson paid \$125 to Henry Bradley for the timber, which I suppose he charged up to me, but he and I never settled because he died; that is all I ever received.

Q. Then you have no further interest in the lots you bought of E. H. Talbert, having sold all the remaining timber to Nelson Burto? A. Yes, I sold it to him; he was to get it off that year, and if he did not the next year I was to have the timber; it fell back to me.

Q. Was Henry Bradley State forester? A. I don't know.

Q. Was he any State official? A. I do not know.

Q. Do you know of his ever having held public office? A. I have heard that he held a public office—a public office? I have known him to have held a town office; I have heard that he had something to do with the Forest Commission; that he was a forester or something or other; I don't know nothing about that, whether he was or not; I was not there when he was appointed and don't know.

Q. Didn't you understand that he was a forester or the holder of some State office at the time of his alleged sale to you of the timber to which you have referred? A. No, sir; I do not know anything about it.

Q. Have you had any other transactions in reference to timber other than those to which you have referred in your testimony here? A. Oh, I guess not; I don't know as I have—only fire wood or such as that,

Q. You have stated that the payment that you made to Talbert of \$100 you obtained from Faxon? A. Yes, sir; from Faxon.

Q. And that check was obtained from Faxon after you had cut the timber from lots 102 and 103? A. Well, I don't know; some of it was cut, and some of it was not; I think we were cutting at the time.

Q. But you obtained that check for timber you had delivered to Faxon? A. Yes, sir.

Q. And had already cut? A. If we had not, we were cutting.

Q. How much timber did you deliver for that check? A. I don't remember.

Q. Did you make any payment to E. H. Talbert other than that one sum of a hundred dollars? A. No, sir; that was the agreement; I was to give him that and that settled it.

Q. I understand you to say that you have had no other transactions in reference to timber either standing or cut other than those to which you have now testified, either in reference to the purchase or sale of the same; is that the fact? A. That is the fact inside of ten years past.

Q. What knowledge, if any, did you have of the title of E. H. Talbert to any timber upon lots 102 and 103 of township 26, at the time of your alleged purchase of him? A. I took his word that he had a right to dispose of the timber.

Q. There was no writing between you? A. No, sir; not any.

Q. What knowledge, if any, did you have of Orson P. Morse's title to the timber which you claim to have bought of him on lot 117? A. He told me in the first place he had a contract for the timber on this ground; he said he did not own it; I took his word for it; later on he showed me his contract, and it was as he told me; I have done a good deal of lumbering and dealing around in timber and did not have to see contracts; in dealing with a man if his word is not good I do not want to have anything to do with him.

Q. At the time of your timber transactions to which you have referred, you knew of the State's ownership of the land in lot 118? A. They owned part of it.

Q. And also in lot 117? A. Yes, sir.

Q. And also in lots 102 and 103? A. Yes, sir; I knew they owned part of those lots.

Q. Do you know of any right or permission being given by anyone to cut timber from the State lands upon those lots? A. No, sir; I do not.

Q. Did you solicit or attempt to obtain from anyone the right to the timber on the State lands of those lots? A. No, sir; I did not calculate I was cutting on State land; I thought there was enough timber inside the territory to do me without going on the State land.

Q. Did you ever hear of anyone receiving the right to cut timber on State land on any lot? A. No, sir.

Q. You are sure of that? A. Yes, sir; I am certainly sure of it.

Q. Do you remember having made an affidavit on the 3d of September, 1894, before Charles P. Sullivan, a notary public? A. I know of making an affidavit at some time before him; I do not remember the date.

Q. At about that time? A. Yes, sir.

Q. Then your statement in the affidavit that you have been told that one Anderson and Moynehan had been given consent for State timber to cut out stumpage, is false, is it? A. I heard that as a rumor, that they had the privilege of going on cutting State timber, but I never knew that they had, or never knew of their doing it.

Q. Then your previous statement that you had never heard of consent being given or privilege being obtained by any one for the cutting of timber on State land is false? A. I don't know of anybody ever getting the privilege; there might have been such, but I don't know of it; I know I never got the privilege.

Q. My question was as to whether you had ever heard of such privilege being given or permission obtained? A. I have heard in this way: I have heard that they bought the right to cut certain timber, but I never heard them say so or ever heard a man who had the privilege of selling it say so; I heard it as a rumor or talk; where I heard that they had the privilege of cutting, I don't think they ever cut there, and if they had the privilege I guess they would cut; that is the only way I ever heard of such things.

Q. Did you ever attempt to obtain this privilege of cutting timber upon State lands anywhere? A. I did in a way; I understood one time that there was a chance; the State was going to sell the timber on some of this Forest Preserve; they were going to sell the timber by stumpage, and I think I saw it advertised in some of the papers; I put in an offer for some land.

Q. When was that? A. About two years ago; it will be two years this winter.

Q. To whom was your offer made? A. To the Forest Commission.

Q. Addressed to whom? A. The Forest Commission at Albany; I put in an offer for certain lots; I don't remember now what I offered to give for them, but I said I would give so much for the timber on such and such lots — the numbers of the lots.

Q. What lots did you refer to? A. I could not tell you now; they were all along the Forest river; 95 I think was one, and there were some others; they were lots I knew something about; I never got any return from it and never paid any more attention to it.

Q. Did you yourself cut any timber or cause it to be cut from any lots other than lots 102, 103 and 115 of township 26? A. Yes

Q. From what lots have you cut timber? A. Eighty-nine.

Q. Of township 26? A. Township 26.

Q. When was that cutting done and under what circumstances? A. Well, it was done some five or six years ago.

Q. By what right did you enter there to cut that timber? A. I bought a tract something like Mr. Morse's, a strip in the center of 89, I think 60 acres — 50 to 60 acres, running across through the center of the lot — pretty near the center.

Q. Have you not already testified that your only transactions in the purchase of timber rights were those to which you have testified as made with Henry Bradley and Orson P. Morse? A. Well, that was a mistake; this lot ought to have been included in.

Q. With whom was your transaction had in reference to timber cut on lot 89? A. Well, I bought the timber from a man by the name of Lynch.

Q. Edward P. M. Lynch? Yes, sir.

Q. What right or title did he have in reference to the timber on that lot? A. I don't know, but I thought afterwards that he did not have any.

Q. What were the terms of your purchase from him? A. I will give you those terms; I have got it here; the terms were that I was to pay him stumpage upon logs (witness produces a writing reading as follows): "On this second day of January 1889, I have hereby sold to Patrick Doherty all the marketable timber consisting of spruce, hemlock, cedar or balsam timber on lot 89 in the town of Minerva, Essex county, Totten and Crossfield purchase, township No. 26; that is, so much of said lot 89 as is contained in 80 acres on the west side of said lot, that being so much thereof as is not claimed by the people of the State of New York; this contract is made with the express understanding that the said Doherty is to pay when the

logs are measured the sum of ten cents per market for the same. Ed. P. M. Lynch."

Q. In whose handwriting is this written which you have now produced? A. I think it is Ed. P. M. Lynch's writing, but I did not see him writing; his signature is there, and I guess it is his writing; I am pretty certain.

Q. What timber did you cut from lot 89? A. Well, we cut what we supposed was on this 60 acres; we supposed we cut the timber that was on it; we made a slight mistake in the survey of the lot and afterwards the State Forest Commission sent on Mr. Morse to survey it and his lines and ours did not agree; consequently, Mr. Faxon got those logs and he held back from me the price of something like 80 market logs that we cut over the lines; we took in what land belonged to him but we did not locate it right; we were too far away from the river when we ought to have been a little closer to the river.

By Mr. ELDRIDGE:

Q. Who did your surveying? A. Mr. Shaw; he started it and I finished it.

Q. Are you a surveyor? A. No, but I am good at locating lines; Shaw started it, but it rained and he went home, and we could not get him back.

By the CHAIRMAN:

Q. Did you ever cut any timber from any other lots other than 89, 102, 103 and 115 of township 26? A. In how long?

Q. During the last five years? A. No, sir.

Q. Calling your attention again to your affidavit made last fall, I ask you whether or not your statement made therein, that you had cut timber on lots 117 and 118 is true or false? A. I never cut any; I sold it and they cut it.

Q. That statement then is false? A. I suppose it applies that I cut it because it was done through me; I was instrumental in having it cut.

Q. That statement then is false? A. I don't understand that statement that way.

Q. The statement that appears in your affidavit is as follows: "I had cut on lots 117 and 118?" A. Well, I had cut on both of them; I have cut skids, I have cut hand spikes, and have cut a few logs; when I go into the woods I always carry an axe and if a man is behind

in his work, I cut a few logs and help him out; but it was done through me; I gave them the privilege.

Q. Under the terms of your sale to Robert Dougherty and John A. Owens, you were to be paid a lump sum or stumpage? A. Stumpage.

Q. Under the terms of your sale to Nelson Burto, to which you have referred were you to be paid a lump sum or stumpage? A. A lump sum.

Q. And how much was that lump sum? A. Well, I don't remember; I have got a contract down home that tells; after he died I never looked it up, because I thought as far as I was concerned there was no money in it for me; we bargained a little and he got me down on the price I asked him, and I don't know now what it was.

Q. Did you have any transaction with Andrew Johnston in reference to the timber on lots 117 and 118, township 26? A. No, sir; lot 117.

Q. Lots 117 and 118? A. No, sir; I sold this timber to these men; I gave my advice not to sell them to Johnston, but they sold it to him.

Q. Why did you advise them? A. Because I thought it was for my interest and their's not to have him handle them.

Q. Why? A. Well, the money would come too slow.

Q. Is he good for nothing? A. I don't know whether he is or not.

Q. What is his reputation in that respect? Well, he is a merchant over here in Minerva; my opinion and that of other men might differ.

Q. What is your opinion? A. Well, I don't want to deal with him; I don't want to have anything to do with him; I thought if the money came through him it would come so slow.

Q. Have you an unsettled account with Andrew Johnston? A. I believe I have.

Q. Upon what transaction? A. Oh, book account, store bills, etc.

Q. Moneys that you are owing to him? A. Perhaps.

Q. Is he owing you upon any transaction? A. Well, that is not settled yet; that depends upon a settlement; how it will be settled; I could not tell you, because it may be settled at the end of a lawsuit, and I don't know how the lawsuit will turn out; in my opinion he is owing me; perhaps when it is tried before a justice or judge his opinion may be different; that is only my opinion.

Q. John A. Owens and Charles Callahan swear that the consideration was \$50, which they paid you for the timber purchased as alleged on lot 118, township 26; is that true? A. Perhaps it was, but I never received but \$25; I did not see any chance of getting any more, and never bothered my head about it.

Q. Under your contract with John A. Owens and Robert Dougherty, for the sale to them of timber on lot 117, township 26, were you to be

paid so much a market or a lump sum? A. I sold to them by the stumpage; they were to pay me stumpage; you understand what stumpage means; it is what they call a market log here — that is, 131 inches makes a market.

Q. How much were they to pay you? A. Twenty-eight and one-half cents.

Q. Robert Dougherty swears that they were to pay you 30 cents a market log for that timber? A. Well, I have just sworn now that I was to get $28\frac{1}{2}$.

Q. Is Robert Dougherty's statement then true or false? A. Well, I have nothing to say about his statement.

Q. How much have you been paid under your contract of sale to them? A. I got \$35.

Q. Robert Dougherty swears that you have been paid \$50, and that you were paid that sum in advance upon that contract; is that statement true or false? A. I will swear that I got \$35, and only \$35.

Q. And Robert Dougherty's statement then is false? A. I do not know; I will swear that I got \$35, and only \$35.

Q. How many markets were cut by them from that lot? A. I don't know, sir; I think in the neighborhood of 1,000; there might be a few more or a few less.

Q. Do you know that the timber cut by them was thereafter claimed by Thomas Powers to have been cut from State land on that lot?

A. I understand afterward it was claimed by the Forest Commission or some of their officers to be State land and that the timber belonged to the State, but at the time I bought it I did not think it belonged to the State or else I would not have bought it, and Mr. Morse did not think it belonged to the State or else he would not have sold it.

Q. Did you make any sale of timber from lot 103, township 26, other than that to which you have testified as having been made to Faxon? A. Yes, I sold to anybody who wanted to buy from me.

Q. To whom did you sell any timber on that lot? A. I sold to Joseph Mitchell what he could find after I had lumbered it over and did not leave any; if I could sell anybody what was left I was glad to do it.

Q. I think you have already testified that you sold on 103 all the timber to Nelson Burto? A. Yes, sir, I did; all the timber he could get off that year; after that year I sold it to the next man.

Q. Who was the next man. A. I think Mitchell was.

Q. What did you sell to him? A. I sold him whatever he could find inside the lines, which we supposed we owned; the understanding

was that he was to pay me \$25 ; later he understood it different ; I don't remember what I did get, but I guess I got twelve or fifteen dollars.

Q. Do you remember having sold timber on that lot to Eldred Harpp ? A. That is later, the next year on the calendar ; he wanted to go up there and I sold it for \$10 or \$15 ; I got five from him.

Q. What year was that that you sold it to Eldred Harpp ? A. Two or three years ago.

Q. How much did he pay you for what he bought ? A. He gave me \$5.

Q. Was it not in May, 1894 ? A. Yes, sometime then.

Q. What were the terms of your sale to Eldred Harpp ? A. Well, I think he was to pay me \$35 for all the timber there was left, and I did not think there was anything.

Q. He swears that he was to pay you \$37.40 ? A. I think it was \$25 he was to pay me and he gave me \$5 and I took it, and I don't know whether he cut any logs or not

By Mr. ELDRIDGE :

Q. To whom did you sell the first logs from that lot ? A. Faxon got them ; Smith and a fellow that is dead measured them and James C. Eldridge measured some of them.

Q. Who did you sell the second lot to ? A. The second year Andrew Johnston got them.

Q. Who got the third lot ? A. Nelson Burto.

Q. Then Eldred Harpp got the fourth lot ? A. Yes ; he got the last lot.

Q. Were these logs cut in successive years ? A. Yes ; there was a year that nobody went on to it.

By the CHAIRMAN :

Q. Now, when did you give or pretend to give to Joseph H. Mitchell any right to cut timber from lots 103 and 102 ? A. That was about two years ago this fall.

Q. Was that before your transaction with Eldred Harpp ? A. Yes.

Q. You are sure of that ? A. Yes.

Q. Don't you remember that he discontinued his work on that lot because Joseph H. Mitchell claimed to have bought the same timber from you which you had pretended to sell to him ? A. No, sir ; I do not know that ; I imagine that it was this way — that he discontinued his work on that lot because there was nothing there to cut.

Q. If there was nothing there to cut how was Joseph H. Mitchell to cut any timber from it? A. I do not know; that was his business and not mine.

Q. Don't you know if there was any timber on that lot at the time of your alleged sale to him? A. I do not know; I guess there was.

Q. Do you know how much timber Joseph H. Mitchell ever cut from those lots? A. No, sir.

Q. How much was Joseph H. Mitchell to pay you on that transaction? A. I don't know; I was paid something like \$10.

Q. Do you know of any one else other than yourself, Eldred Harpp and Joseph Mitchell cutting timber from lots 102 and 103, township 26, during the last five years? A. No, sir; I do not.

Q. Do you know Maurice Suprenaut? A. Yes, sir.

Q. Did you ever have any transactions with him in reference to timber on lots 102 and 103? A. No, sir.

Q. Eldred Harpp swears that during the winter of 1892 to 1893 Maurice Suprenaut was cutting timber on lot 103, and that he had a paper which he claimed was a title given by you for the timber on that State lot; what have you to say to that? A. I will say that I never gave any such paper.

Q. Did you have any transaction with Suprenaut in reference to this lot? A. No, sir.

Q. Or on any lot? A. No, sir; and I don't want to on any lot.

Q. Did you ever give a writing to Eldred Harpp? A. I guess I did; his wife or his housekeeper wrote a paper and I signed it; it was some kind of a paper; I don't know how it read; it was meant to be some kind of a contract; she wrote a paper and I supposed it was to be a contract and Harpp asked me to sign it; he says, "Will you sign it?" and I could not read it and I says "Yes."

Q. Why is it you could not read it? A. I have poor eyesight and some handwriting I am not familiar with.

By Mr. ELDRIDGE:

Q. You understand that every time you sold the lot they made the lot a little larger? A. I don't know; I told them to keep within the lines.

Q. Were the lines plainly marked? A. They were marked very plainly; they are marked for the next twenty-five years if fire does not deface the marks; I told them to keep within the lines and that outside where the State owns I did not have any right there.

Q. You told them that when you sold them the timber? A. Yes, sir; I told them I sold them what was inside the lines; we had the lines surveyed by Mr. Morse, except 117 we did not have surveyed; there was a line there very plain.

By Mr. TEN Eyck:

Q. He surveyed all except what he sold you? A. Morse'?

Q. Yes? A. Yes; I got an order from the State to have Mr. Morse survey it; he has done a good deal of surveying for the State, and did it for them, not for me; the State paid him.

By Mr. NILES:

Q. Have you seen that lot since the timber was cut off of it? A. No; not to see the lines; I might have crossed it.

By Mr. WAGSTAFF:

Q. Did these men buy the timber from you without going on the lot? A. Yes; I supposed they went on the lot; Mitchell and I went together; we did not go particularly to look at the timber; we did not look for the lines in particular, but looked for the road; Mitchell knows the lay of the land as well as me; it was not necessary for me to go and show him; he is well versed in the woods; the lines are marked plain.

Q. Is that before you sold him? A. Yes; we made the bargain in the woods; I thought it was for \$25, but he gave me \$12 or \$15.

Q. Was the lot pretty well lumbered at that time? A. Yes; in the first place, I cut off all I thought was worth taking; if a man offered me 50 cents I would have taken it, and if a man offered me \$10 I would take it.

By Mr. NILES:

Q. Who is Henry Bradley? A. Well, all that I can tell you is that he is a man that lives in Minerva; he is known as "Commodore."

Q. What is his business? A. I think he works for Durant.

Q. Is he a man of any standing in the community? A. I don't know.

Q. Is he a man of wealth? A. I don't know.

Q. Does he appear to be a man of wealth? A. He appears to be a man that pays his bills as he goes through the country; he does business for Mr. Durant; I can't tell you anything about his wealth, and I do not know.

Q. Is he a large owner of real estate in this section? A. I don't know; he owns some, but I don't know what it may be.

Q. Do you know of any real estate he owns? A. I think he owns the place he lives on; he has got a house and store there; I am pretty sure he owns that; he claims to own 60 acres.

Q. Did you know anything about his title to that 60 acres? A. Nothing more than his word.

Q. Did you make any investigation or inquiry as to his title? A. No, sir.

Q. And had you any reason to believe that he did own that property? A. He told me that he did own it; I would take his word if he told me he owned 500 acres there; I thought his word was correct.

Q. Did you ever know him to exercise ownership over that 60 acres in any way? A. Yes; he had lumbered it over before, and had logs cut on it and taken off.

Q. Did he show you any papers showing his ownership to that land? A. No, sir.

Q. Did he ever show you any tax receipts for taxes he had paid on it? A. No, sir.

By Mr. WAGSTAFF:

Q. When you were up there did you notice the lines? A. I did not look to notice them.

Q. Did you see any or not? A. Well, I went up there to help lie out the line on it, but after that I never followed the line.

Q. And you were up there with Joseph H. Mitchell — at the time you were there, did you see any lumbering over the line on State property? A. No; I did not follow the lines; I crossed the lot, but did not follow the line.

Q. What was this letter you received from Mr. McCready? A. Well, about the time that I bought this 117 from Mr. Morse, Mr. Morse said that he owned the timber but did not own the land; he says, "I will write to the commission; I do a good deal of work for them, and perhaps they might have bought it at private sale;" we knew that it had not come into the market in public sale; we could see no account of it; he said, I will write before I sell to you, because if it belongs to the State I will not sell you; he wrote to the Comptroller, I think, or some one in the commission.

Q. Mr. Roberts or Mr. Fox? A. He got a letter back.

Q. Did you see that letter? A. I did, but I was trying to get my memory on it to see if I could not word it as it was.

Q. Give the contents of the letter as far as you can remember it?

A. The contents were that they sent us a diagram of what belonged to the State and what did not; I am pretty sure that the contents were that they owned, in 117, 100 acres on the south part and 80 acres on the north part,

Q. Had that lot been divided? A. It was divided, but it was not so plain; perhaps a surveyor could find it, but my man could not.

Q. When did you receive that letter? A. Along in December, 1893.

Q. You stated in your affidavit made last September that you received a letter from C. O. McCready, the secretary of the New York State Forest Commission, which gave you the right to cut timber?

A. I never stated that in my life; I did not understand it that way; I never asked the right to cut it from Mr. McCready; only from Mr. Morse that I bought it of.

Q. Didn't you make this affidavit that you have signed here? A. I never made such an affidavit that I had the right to cut from Mr. McCready.

By the CHAIRMAN:

Q. Well, what reply, if any, did you receive to your application to the Forest Commission for permission to cut timber from any lot?

A. Well, I never applied only to buy the timber; I never got any reply from that at all; they never noticed my letter.

By Mr. TEN EYCK:

Q. Who did the writing in reference to 117? A. Mr. Morse did the writing.

By Mr. NILES:

Q. Didn't you read this affidavit or have it read to you before you signed it? A. I think he read it over, but I know I never made any application only to buy from him.

Q. Why did you sign this affidavit with that statement in it if it was not true at that time? A. Because I suppose I thought it was right; I did not understand it that way, because I never made any application to cut timber without I bought the timber first; they never answered my letter.

By Mr. TEN EYCK:

Q. Did Mr. Morse ever receive a letter from Mr. McCready? A. I was looking to see if I did not have something to that effect.

Q. Well, you know whether he received a letter from Mr. McCready or not? A. I think he did.

Q. Did Mr. Morse show you that letter? A. I had a letter that came either through the way of Mr. Morse or Mr. Powers; I don't remember; I was trying to look it up; that would show that Mr. McCready wrote the fact that they did not own only a certain part; the letter was written in November.

By Mr. NILES:

Q. Are you in the habit of swearing to affidavits without knowing what the affidavit contains? A. In the course of my life I have been about three times a witness in a court of justice when I have had occasion to hold up my right hand—

Q. Which statement do you wish to stand by? A. The statement I am giving you now is the statement that I mean as right; that other there is a mistake somewhere, but I wish to be understood as talking now; the statement I am giving now is the statement I wish you to understand.

Q. Which is the correct statement—which is the true statement? A. There is something in that that I don't know; I have no recollection of ever making such a statement, because I did not do any such business with them people; I had no such trade or deal with them; I did not know that that was in it; I think he read it all over; I did not read it over, but he did—the agent that wrote it down; he said, “Will you make oath to this?” I said, “Certainly I will if you want me to;” he asked me questions and I answered them and after he got through, he said, “Would you be willing to make oath to this?” and I said, “Certainly I would be willing to swear to anything I told him;” he called in Mr. Sullivan, the notary.

By Mr. ELDRIDGE:

Q. Do you mean to state that you never received a letter from C. E. McCready, or you never saw a letter from C. E. McCready that came to Mr. Morse? A. I saw a letter that came to Mr. Morse either from Mr. McCready or the Comptroller or the secretary of the Comptroller.

By the CHAIRMAN:

Q. Have you during the last five years been employed by any person, and if so, by whom, in the cutting or hauling of timber? A. Why, I have been at work for some of these jobbers around the woods.

Q. By whom and where were you engaged in such employment?
A. Well, I worked for John Donnelly awhile on the 30th township; I think he worked for Finch & Pruyn.

Q. On what lots? A. I can't tell you; I don't know; he was locating shanties and building them.

Q. How recently? A. About the first of September of last year.

Q. Where is Donnelly from? A. Minerva.

Q. Where are Finch & Pruyn located? A. Glens Falls.

Q. Can you, by reference to the map, locate your place of employment? A. (Witness referring to the map.) Pretty near; about the head of the Boreas, not very far from Mount Marcy.

Q. Was it along the Boreas river? A. It was near Boreas pond.

Q. Was it any where near the Boreas River post office? A. About six miles above it.

Q. Was it on Boreas mountain range; A. I don't know; it was along the range.

By Mr. NILES:

Q. Did you have any conversation with Mr. Powers during the time that the timber was being cut upon these properties that you have testified about here to-day? A. Why, I might have had; I don't know but I had; I think I did some.

Q. To what effect? A. I don't remember exactly what I did talk about; after they told me that this timber on 117 belonged to the State, I proposed to pay the State what damage in stumpage they asked, if they did not ask too much, and settle it up in order that I could draw my pay myself, but I could not come to an understanding with them; I never made any settlement for it.

Q. What did Powers say about it? A. Well, he claimed that he never had time or power to settle it, but he would see and do it later and see what he could do.

Q. Did he know about the cutting on lots 102 and 103 and 117 and 118? A. He did not know it until after it was done.

Q. Didn't you have this talk with him before the timber was all cut? A. No, the last cutting we done of any consequence was on 117; we did not talk; we supposed our title was good; we did not talk until along in February next year when we were drawing the logs to market and then the State claimed that they owned this land; that is the first I had any idea.

Q. Did you care whether this land on which you sold the timber rights belonged to the State or not? A. Yes; if I knew it belonged

to the State I would have to pay so dear for it there would be nothing left for me.

Q. Did you expect or fear prosecution in case you were caught on State land? A. Certainly, I was aware that if I cut on State land I would be prosecuted.

Q. Did you ever hear of a prosecution for cutting on State land in the vicinity of Minerva? A. I have heard of it.

Q. Did you ever know of a prosecution? A. They kept back money from me some years ago where I cut logs to pay the State; Mr. Faxton did that on 89 and it learned me not to cut on the State if I knew it.

Q. You did not have much fear of any prosecution even if you did cut on State land? A. I never cut on State land because I always paid ten times more than it was worth and it was throwing our money and labor away.

Q. Then if you knew it was State land you would not have sold the timber rights? A. No, sir; or cut it either.

By the CHAIRMAN:

Q. Have you been employed anywhere in the cutting and hauling of timber except as you have already testified? A. Oh, I worked around the woods for years off and on all my lifetime.

Q. During the last five years? A. No; not during the five years; I worked for Donnelly last fall and when Burto went in I went and helped him a couple of weeks.

By Mr. WAGSTAFF:

Q. Did you ever cut or assist in the cutting of timber which was afterward seized as coming from State property and sold by authority of the State? A. I have cut years ago on the 30th township some timber that the State came and claimed and it was settled years ago. I guess it was before the Forest Commission was organized or about that time; Mr. Trumbull was the man that managed the business.

By the CHAIRMAN:

Q. Was all of the timber which you claim to have bought in the several transactions of which you have testified, live, growing timber? A. Well, about all live growing timber. Of course anything that was dead would be of no use to us.

Q. Was all the timber which you cut yourself from the several lots of which you have testified, live, growing timber? A. Why, as a

rule, certainly; but there might be a windfall which would be called dead timber; if it was good and sound we would cut it up.

Mr. WAGSTAFF.— The witness has not answered my question yet.

(The Stenographer repeated the question as follows:) “Q. Did you ever cut or assist in the cutting of timber which was afterward seized as coming from State property and sold by authority of the State?” A. I cut some myself seven or ten years ago; I think it was before the Forest Commission was organized and Mr. Trumbull came along and informed us it was State land and marked “N. Y.” on the logs; afterwards it was handled I don’t know how; the men that got the timber paid whatever it was settled for, but I don’t know how it was settled.

Q. Was it sold at auction? A. No, sir.

Q. None of the timber you have ever cut has ever been sold at auction? A. No, sir.

By Mr. TEN EYCK:

Q. Do you know of any instance in which Thomas Powers, or any other person or any other State official, has given permission to go in and cut timber which stood on State lands? A. No, sir; I do not.

Q. Do you know of any instance in which timber has been cut which stood on State lands, and Thomas Powers or any other State official, has had knowledge of the fact and failed or neglected to prosecute? A. No, sir; I do not know anything about it.

Q. You say you bought a piece of one Lynch, lot No. 89; is there a good roadway passing that lot? A. Yes; a good roadway for the woods.

Q. How far is it to the woods where you would float the logs down? A. Well, it might be a half a mile to a mile and a half.

A. To get them to the river or road? A. To get them to the river.

Q. Now, how did you come to be acquainted with Durfee? A. Well, Durfee, that is this man that is dead now, aint he?

Q. How did you come to make the affidavit? A. Well, I met the gentleman in the road one day and he was riding with Dan Lynch; he says, “I want to see you,” and I stopped; they commenced to talk about what their business was, and I said, “If you will come down to the house where I live, I think you will be convinced that I am not the man you want;” I think I had this letter from McCreedy and another one from the secretary of the Comptroller; we talked about land—

Q. What did they say? A. I was not very friendly to Lynch, and I talked but very little to him, but he introduced the other gentleman to me; we went back to Sullivan's hotel and we went into a room there, and he asked me a number of questions; I was not subpoenaed, and I was not under oath; I answered him, and he wrote it down as he went along, and after he got through he said, "Would you be willing to make affidavit to this?" and I said "Yes; I would not tell you anything that I would not swear to;" he called Charlie Sullivan over and I made oath to it.

Q. You had never met this man Durfee before? A. I never saw him before or since.

Q. Did he state what his business was? A. He said he was looking after this business, and he said, "I have got a perfect right to settle up all these affairs, and now you had better settle with the State;" he said, "I can settle with you;" I said, "I have not done the State any damage; the State ought to pay me instead of my paying the State."

Q. Who did he say he represented? A. The Comptroller.

Q. Mr. Roberts? A. Yes; I said, "I am out so much money; I aint got no money; the Forest Commission has took this stumpage, this 28½ cents a log, and they took that money and I ain't got it, and I says they did not own this land at this time, and they can't show no title to it."

Q. He told you he had the right to settle up matters? A. Yes.

Q. Did he tell you that you had better settle? A. Yes; he said, "Now the State might bring you down to Albany; they might make you trouble;" here is about the words he put it in: He said, "The State would not give a damn to have a judgment against you;" I said "Gentlemen, that is just about the words that that judgment would be worth if they got it;" that is about the way we talked there.

Q. Did he request you to make an affidavit? A. No; he did not request me to.

Q. He asked you to sign one? A. He asked me to sign one.

Q. Did he tell you it would be well for you to sign one? A. He said it would be better for me to sign it as it would save me the trouble and expense for me to go to Albany, which they could make; he said, "I have got a right to settle this business," if he wanted to; "Now," he says, "you pick out a man, if you don't want to deal with me"—

Q. Where was this—in the barroom or upstairs? A. No; in Sullivan's house, off the barroom.

Q. Was he a "good fellow well met?" A. No; he was a gentleman.

Q. Did he occasionally take a drink? A. I never saw him drink any; he and I occasionally took a cigar.

Q. You did not drink? A. Not just then.

Q. Did he say anything about his representing the New York Herald? A. No; nothing that I remember of.

Q. Did he tell you what he was going to do with that affidavit when he got it? A. No; he did not.

Q. But you are sure he told you it would be better to sign that affidavit; that if you did not you might be put to a good deal of trouble and expense? A. No; he did not tell me I had better sign the affidavit; he said it would be better for me to settle the damages; he asked me to make oath of what I had told him.

Q. Didn't he tell you that if you signed that and swore to it that it would save you trouble and expense? A. No; he did not tell me that; he said it would be better for me to settle than to go to Albany; he said, "You pick out any man you want to and he and I will talk it over and I will agree with him;" I said "I will leave it to any man in town with the exception of one."

Q. Who is that man? A. If it is not necessary I would rather not tell.

Q. It is necessary? A. Dan Lynch.

Q. Why not? A. I had reasons?

Q. Why not? A. It would be hard for me to tell.

Q. Try and tell us? A. I did not think it would be leaving it to a competent man — a man that would be impartial; that would fix it up fair and square, without prejudice and feeling; Wesley Barnes was coming towards us and he said, "Would you leave it to that man?"

Q. Did you make this statement to Mr. Durfee at that time: "I have been informed that one Anderson and Moynahan had been given consent for State timber to cut on stumpage." A. I think I did; we talked something about it.

Q. Did you ever see the original of that affidavit after you made it? A. After that day?

Q. Yes? A. No; not after that day.

Q. Did you read it after you signed it? A. No, sir; he read it over and I signed it.

Q. Did you ever see a copy of it? A. No, sir.

AFTERNOON SESSION, AUGUST 14, 1895.

JOSEPH H. MITCHELL, being duly sworn and examined by Chairman Wilds, testified as follows :

Q. What is your age, residence and business ? A. Forty years old, farming and lumbering, and reside in the town of Minerva.

Q. How long have you lived in the town of Minerva ? A. About 24 years — about that.

Q. How long have you been engaged in lumbering ? A. I think about 12 or 13 years.

Q. During the past five years what transactions in lumbering have you had, beginning with the last and going backwards, and stating the time of each and the character of each transaction ? A. The last was in 1893-94 ; that was, I took some logs to draw from Milo Knapp, or Knapp & Faxon was the company ; I took the drawing of those logs only ; they were piled by Eldred Harpp ; then I bought some timber from Robert Dougherty on lots 102 and 103.

Q. Is that the Dougherty known as " Pat ? " A. Yes, sir ; they call him " Bob " there.

Q. When was that ? A. That was in the fall of 1893, sometime I think in November ; I would not be positive ; it was somewhere about that time ; I bought on those lots what timber the State did not own from Dougherty ; then I bought what the State owned from Thomas Powers at 25 cents per market ; I let the cutting and piling to Joseph Lahey of those State logs and drew them myself and sold them to Andrew Johnston ; I sold them before I drew them for \$1.30 ; he was to pay Mr. Powers 25 cents out of it stumpage ; he sold them to Kenyon & Baldwin, of Sandy Hill, and Mr. Ackerly measured them ; I think it is Alex. Ackley, but I would not be certain ; he is a one-armed man ; this was in 1893 and 1894 ; the next one before that was in 1892-3 and 1891-2 ; I took some logs from Knapp ; there were three lots ; I took this two years' job in one year ; I think it was in 1891 I took the job, and I cleared those four lots in 1891-2, lots 73, 75, 77 and 90, I think, township 26, Totten & Crossfield purchase ; I took those logs to put in at a dollar a market log ; I cut the logs, skidded and drewed them from those four lots and put them in the Boreas river ; those logs were measured by Neul Scripture and three or four others ; they measured most of them before I got in ; I was out of the woods ; Jimmie McGinn measured some ; that was the first year's job in 1891 ; Scripture and McGinn measured them, and there

were others with them ; in 1892 Mr. Ackley measured the other job, what I had the second year ; the next previous transaction I had was in the year 89-90 ; I think it was in 90 when I took the job for the drawing of logs up in Newcomb from Dana Bissell ; those logs were cut by Bissell ; there were different jobs in there ; I was not there during the piling at all ; it was on the gore tract ; I understood it to be a gore of some timber ; it was right opposite Anderson's hotel ; about a mile south of Anderson's hotel.

Q. Now, calling your attention to your last transaction with Milo Knapp, or Knapp & Faxon, in the year 93-94, from what lots and in what township was the drawing of logs done by you ? A. That was the last job I done on 102 and 103 in the 26th township.

Q. What amount of timber and of what character did you haul from those lots ? A. There were a few logs on lot 90 ; I don't know as I stated that.

Q. No ; you did not state that ? A. There were a few logs on lot 90 ; only a few.

By Mr. ELDRIDGE :

Q. Are you not a little mixed ; you testified here that the logs you cut for Knapp & Faxon were from 73, 75, 77 and 90 ? A. Yes.

Q. But your testimony here does not show that you sold the logs from 73, 75, 77 and 90 to Knapp & Faxon ? A. No ; I did not.

Q. You don't thoroughly understand the question then ? A. I took some logs to draw from other lots right near there ; they lay right along the Balfour Place ; I took some logs for this man Harpp ; these other logs on 102 and 103 I bought from Powers and Dougherty.

By the CHAIRMAN :

Q. Were you employed by Milo Knapp, or Knapp & Faxon, to draw logs from 102 and 103, township 26, Totten and Crossfield purchase ? A. No, sir.

Q. You were not ? A. No, sir ; not by Knapp & Faxon.

Q. Have you stated in your examination here to-day that the last transaction you had in reference to timber was under a contract which you had with Milo Knapp, or Knapp & Faxon, and that that transaction was in 1893-94 ? A. I meant this on the pond was Knapp & Faxon, but what was on 102 and 103 Knapp & Faxon had nothing to do with ; these along the pond, I don't know what lots they were on.

Q. Tell me what timber you hauled for Knapp & Faxon, and from what lots ? A. I could not tell you the number of the lots, because I don't know ; they were just this side.

Q. By reference to the map, tell me from what lots you hauled the timber for Knapp & Faxon? A. (Witness refers to map.) Well, I don't know; they were right next to the main road, but I don't know the number of the lots because I am not posted.

Q. Were they on the same lots from which you drew timber which you had bought from Patrick Dougherty? A. No, sir; they were not on these lots.

Q. Were they on the head joining lots? A. Yes; they were right just this side; I think the lots must corner, as there was a big mountain on the lots I bought of Dougherty on this side and the logs were on the other (indicating on map).

Q. Were the logs which you hauled for Milo Knapp or Knapp & Faxon taken from any lots in the neighborhood of the Balfour clearing? A. Yes, sir; they were just this side of the Balfour clearing.

Q. Do you mean west of the Balfour clearing? A. I should call it east.

Q. Upon what lot is the Balfour clearing? A. I don't know, but I should think it would be on 104.

Q. Calling your attention to the map — isn't the lot east of 104 taken up for the most part by Balfour lake? A. I should say it was; those logs were at the head of the pond; right around the edge of the pond.

Q. Who owned the property from which these logs were taken, and what knowledge have you on the subject? A. I don't know; I merely took the hauling from Knapp.

Q. What directions did he give you? A. He just told me to go on and haul them, and he gave me 25 cents per market for hauling them.

Q. What quantity of timber did you haul under that contract? A. It was a thousand markets; it might vary a little, but it don't seem far from a thousand markets.

Q. That was all done in the winter of 1893-4? A. Yes, sir.

Q. Did you make any inquiry to inform yourself as to the ownership of the land from which that timber was taken? A. No, sir.

Q. By whom was that timber cut and skidded? A. Eldred Harpp.

Q. When? A. In the fall of 1893; he lived on that place; I don't know just what time he did commence, but he cut that fall.

Q. Did you also in the winter of 1893-4 haul any timber for Eldred Harpp? A. No, sir; not direct for him; I hauled the logs which he cut and piled, but I took them from Milo Knapp; he cut and piled

those logs, and Knapp let me the job of hauling; I had nothing to do with Harpp whatever.

Q. From what lots was that second batch taken? A. That was from 102 and 103.

Q. Which you hauled for Milo Knapp? A. No, sir.

Q. For whom? A. I hauled them for myself; it was on 102 and 103.

Q. What information had you as to the ownership of the land from which you hauled that timber? A. I bought from Patrick Dougherty what the State did not own.

Q. Did you have any written contract with him? A. No, sir.

Q. And was your contract stated in those terms that he sold to you whatever the State did not own in lots 102 and 103? A. Yes, sir.

Q. How did you inform yourself as to what the State did not own? A. Well, he showed me some of the lines and we went in; I went to cutting what was not on the State.

Q. And you took his word for the location of the State lands? A. Previously to this — let me tell you a little — about, I think it was, the first year of my lumbering; the first lumbering I ever done was on those lots, 102 and 103; that is about twelve or thirteen years ago; I had Mr. Shaw run out those lines — run out this chunk of timber —

Q. What lines do you refer to? A. Between the railroad and the State; he run out this railroad timber for me; that is about twelve or fifteen years ago — and left this timber in here, which we supposed belonged to the railroad company; from that I knew where the lines were.

Q. Did you inform yourself in any manner, or take any means to inform yourself, as to the State's ownership of land in lots 102 and 103 in the winter of 1893-4? A. Nothing, only as Mr. Powers informed me; he showed me on the map what the State owned.

Q. State the whole transaction with Mr. Powers, and when it occurred? A. In the fall of 1893-4, while I was cutting those logs on this railroad timber, Mr. Powers told me that he would let me have what State timber there was to cut and pile for 25 cents a market, on 102 and 103, as I was cutting there and the roads were right there, as he had a right to sell it at 25 cents a market.

Q. That was healthy, growing timber? A. Yes, sir.

Q. Of what character? A. Of course, it had been cut years ago; we cut them down to six inches and upwards to 19 inches; I don't think we had anything larger than that; it took five for one, I think.

Q. What did you pay Patrick Dougherty? A. Fifteen dollars for what timber was left.

Q. How much had you agreed to pay him? A. Fifteen dollars.

Q. Do you know the location of the land covered by any right, title or interest which Patrick Dougherty had in lots 102 and 103? A. Do I understand the location of it?

Q. Covered by any right, title or interest which he had in those lots? A. Nothing more than what he has told me; he said he bought it from Ed. Talbert; I knew he had been lumbering a year or two before this and sold some logs on it; that was all I knew about it.

Q. How much timber did you cut, skid and haul from lots 102 and 103 under your alleged purchase from Patrick Dougherty and Thomas Powers, and what did you do with the same? A. Well, I think about 500 markets in all; I can not just remember, but it is somewhere in the neighborhood of that, I think, and I sold them to Andrew Johnston of Minerva.

Q. For how much? A. One dollar and thirty cents.

Q. Who measured the timber which you thus sold to Andrew Johnston? A. Mr. Ackley.

Q. Did you ever pay Thomas Powers any money under that contract? A. No, sir.

Q. Why not? A. Mr. Johnston was to pay him?

Q. When was your contract with Thomas Powers made, and where? A. It was some time in November or December; I would not be positive, but I think it is December of 1893; the first talk I had was in Mr. Johnston's store; Mr. Johnston, Mr. Powers and myself.

Q. What was that conversation; state the same in detail? A. Well, he told me he had the right to sell those logs and that I could have them for 25 cents per market, and I could go on and cut them, so I went on and cut them; that is all the conversation we had at that time.

Q. What further occurred at any time between you and Thomas Powers in reference to that timber? A. There was nothing that I know of.

Q. Have you stated all of the transaction or communication between you and Thomas Powers in reference to the timber on lots 102 and 103? A. No; I talked with him different times about it since; I don't just remember the times; one time was just before town meeting; him and Mr. Johnston sent—that was in the spring of 1894; I think it was in March or the last of February; it was a week or two

before town meeting; he and Mr. Johnston drove up to Aidenlair and he sent Tommy Mea up for me to come down to the hotel as they wanted to see me; that is about two miles from the Balfour place; they were talking something about town meeting when I got there; he wanted to know how I was getting on with my logs?

Q. State everything that occurred between you and Mr. Powers whenever you refer to him? A. I got in and rode from Aidenlair back to my job with Mr. Powers and Mr. Johnson, and he was talking and wanted to know how many I was going to get, and how I was getting along.

Q. What did you tell him? A. I told him I would get something; about three or four hundred markets; I hadn't them measured at that time.

Q. Did he say anything further to you after you told him that? A. He wanted to know whether I would be able to get any more than what was on there; I told him I did not think I would.

Q. What did he mean by that? A. Well, if I could, he would let me have more.

By Mr. ELDRIDGE:

Q. Do you mean other lots? A. Yes.

By Mr. WAGSTAFF:

Q. Did you tell him whether you wanted any more or not? A. I told him, I think, that I did not think I could handle any more and get them in.

Q. After you got up to the shanty, what did you do up there? A. Well, they did not come quite to the shanty; the shanty is about a half a mile from the main road; I got off at the main road, and they went on to Minerva, and I went to my shanty.

By the CHAIRMAN:

Q. Have you stated all that transpired between you and Thomas Powers, in reference to the timber on lots 102 and 103, that may have occurred in any interview that you had with him? A. Some time, I don't just remember; it was some time during the time that Mr. Durfee came up into this country, and he wanted to know if I had been trespassing upon such and such lots; and I told him I had, and he wanted to know what authority I had, and I told him.

Q. What did you tell him was your authority? A. I told him that Mr. Powers sold me those logs, and I went on and cut them.

Q. Now, I want to call your attention particularly to the conversations and transactions *you* have had with Thomas Powers, and ask whether you have stated everything that transpired between you and him in reference to the timber on lots 102 and 103? A. I was going to tell you; I don't just remember the time I had this conversation with him, but it was some time after Mr. Durfee came around with Mr. Johnston, and Mr. Powers, and Mr. Coyle came to my place and wanted me to make another affidavit, and I would not; they came after I was in bed; I should judge it was ten o'clock.

Q. State just what transpired between you and him at that time? A. Mr. Johnston came to the door and rapped, and I got up and he says, "I want to see you, Mr. Powers and I;" so I just slipped my clothes on, my slippers, and threwed my coat on and stepped to the door and went out to the wagon, and when I got there they wanted me to get in the wagon; I said, "No" and they said "We are only going just a little ways," and I got into the wagon and drove up to Mrs. Kate Hall's store; I don't know whether Mrs. Hall was up or not, but they called her down to get some paper; they got some paper and drove over to the hotel, and we went into the hotel, and after they got in there they wanted me to make an affidavit, and I would not do it, and I did not.

Q. An affidavit about what? A. They said I had left myself liable in what I had done, and that the affidavit I had made had come out in the papers they claimed, and that I had left myself liable, and I had better fix it up; I told them that I had made one and I would not make any more; that I stated it as near as I could.

Q. What affidavit did they refer to as having been made by you? A. The one I made for Mr. Durfee.

Q. In reference to what? A. In reference to this timber.

Q. In reference to the timber on lots 102 and 103, township 26? A. Yes, sir; and 90.

Q. In what way did they say you had rendered yourself liable, and liable for what—for what you had done? A. They said that I had sworn that I knew I was on State lands; I told them I knew I was; they talked quite a little, but I don't remember what they said.

Q. Did they say you were liable to a prosecution for perjury? A. They said I was liable to a prosecution.

Q. For perjury ; did they intimate that you had sworn falsely ? A. No ; but they claimed that I had acknowledged that I had taken this timber and they wanted me to swear that I did not know I had taken it ; that I had taken it through a mistake ; and I told them I could not.

Q. Did they state to you anything about your having sworn falsely in the affidavit ? A. No, sir.

Q. Did they say anything about your being liable for prosecution for perjury for what you had stated in your affidavit ? A. They did not state anything of the kind.

Q. Did they say anything about your liability to the penalties under the statutes for taking timber from State lands ? A. Yes, sir.

Q. What did they state on that subject ? A. They said it was \$25 a tree.

Q. That you would have to pay ? A. Yes, sir.

Q. For what timber you had cut from lots 102, 103 and 90 ? A. Yes, sir.

Q. And what did you say to that ? A. I told them I could not help it ; that I had made one affidavit and I could not change it.

Q. What further occurred at that interview ? A. At that time ?

Q. Yes ? A. Nothing ; when I would not make any affidavit they turned around and went home.

Q. And left you alone ? A. No, sir ; they had to come back by my door and they drove me home.

Q. Was there any conversation between you and Thomas Powers when you were driving from your home to this hotel or on your return to your home ? A. Nothing going up, but when I got out, he said, " You had better think that matter over and make up your mind to change your affidavit."

By Mr. TEN EYCK :

Q. Who said this ? A. Mr. Powers.

Q. Sure of that ? A. Yes, sir ; I am sure of that.

By the CHAIRMAN :

Q. During that interview with Mr. Powers on your drive from your home to the hotel and at the hotel and on your return from the hotel to your home, was Andrew Johnston present all the time ? A. Yes, sir.

Q. Did he take part in the conversation ? A. Yes, sir ; he took part.

Q. What did he say? A. Well, he said that he thought I had better make another affidavit; that he had made one before Durfee and was going to make another one.

Q. Did he tell you what kind of an affidavit he wanted? A. Well, he did not at that time—that night; he did not tell me, but he came up afterwards again.

Q. Did he take any other part in the conversation? A. Well, I don't remember; of course, there was a good deal said; they talked quite a little; I don't remember all.

Q. What did they offer you to induce you to make another affidavit? A. Well, they said they could get me out a good deal cheaper than I could get out the way I was going.

Q. What offer did they make? A. Nothing more.

Q. Didn't Thomas Powers tell you something? A. Nothing, only he said they could get me out through the Commission better than the way I was taking, but I said I could not change what I had done and was not going to.

Q. Have you stated all that occurred at that interview? A. All that I can remember of.

Q. When did you next have an interview with Thomas Powers? A. Well, it was some time after—not very long—I could not state just how long, but it was not a great while; it might have been a week and might have been two.

Q. Some time in the spring of 1894? A. Yes; it might have been just a very few days; I don't just remember; he and Mr. Johnston came up that time alone; Mr. Johnston came into the house; Mr. Powers did not; he went into my parlor and he had an affidavit drawn up and read it over; I did not mind just what was in it; I did not pay much attention to it; but I told him I would not sign it at all; he claimed he was going down to Albany and he would take the affidavit down and hold it in his own hands, and if he could get out all right he would use it, and if he could not he would act his own pleasure with it; he said he had one for him and one for me; I told him I would give him no affidavit.

Q. Did he read the affidavit to you? A. Yes, sir; he read it.

Q. Did you read it? A. No, sir; I did not.

Q. What did the affidavit state? A. That I could not remember.

Q. As nearly as you can recall? A. Well, it read—it went to show that I did not know that I was on State land.

Q. In your cutting off timber on lots 102, 103 and 90 of township 26? A. Yes, sir; he read it over; I did not pay any attention to it.

Q. You know it stated that? A. It stated that; that is about all I remember; I did not pay much attention to it.

Q. What further occurred at that time? A. Nothing; he went out and they went off.

Q. Did you have conversation with Thomas Powers at that time? A. No, sir.

Q. You are sure of that? A. Yes, sir; I am sure, because Mr. Johnston came into the house and we went into the parlor; I had no conversation with Tom at all.

Q. What later occurred in reference to that matter? A. Mr. Johnston sent for me—it was just a little while after that—a few days later—he sent for me to come down to his place at Olmsteadville; I live about three miles north of it; I hitched up and drove down; my wife went with me; we drove down and he was over on Pat. Sheldon's hotel steps when I got there; he came over to the wagon and wanted to know if I was going to sign that affidavit and I told him "No, sir; I will not."

Q. What affidavit did you understand he referred to? A. To the one he had drawn up for me to sign.

Q. Denying that you had knowingly trespassed on State lands? A. Yes, sir.

Q. Well? A. That was all he asked me and I said, "No, sir; I will not;" he did not say anything more and I turned around and went home.

Q. What further conversation have you had with Thomas Powers? A. I have not had any since.

By Mr. NILES:

Q. Didn't they desire in that affidavit that you should retract your statement that you had paid or agreed to pay Mr. Powers any stumpage? A. Well, I can't remember; I would not want to say.

Q. What is your best recollection about that? A. I don't remember much what they did say, because I did not intend to do any different and I did not pay very much attention.

Q. Did they at that time or any other request you to make an affidavit retracting your statement that you had agreed to pay stumpage to Mr. Powers? A. At that time?

Q. Or any other? A. I don't just remember that.

By Mr. WAGSTAFF:

Q. Did they ask you to take back what you had said about Powers?

A. No; only just in regard—they said my affidavit left me liable—not Powers, but me, and I told them I could not help it.

By the CHAIRMAN:

Q. Did they or not endeavor to induce you by threat or offer of any kind to swear that you had made no contract with Thomas Powers?

A. Well, their affidavit was something—I should take it to be that—it was to clear Powers and hold me, the way I took it; that is the way it read; I can't just remember how it read, but I thought it was holding me instead of Powers.

Q. You had already made an affidavit which you had given Mr. Durfee in which you had sworn that you had agreed to pay Thomas Powers for all the trees that you cut on the State land of lots 102, 103 and 90? A. Yes, sir.

Q. And that he had given you permission to enter upon State lands upon those lots and cut all the trees therefrom? A. Yes.

Q. Did they not—that is Powers and Johnston—endeavor by threat or offer of some kind, to induce you to retract that statement? A. Nothing, only they said that if I would change that affidavit they would get me out for 30 cents a log where I would have to pay \$25 a tree unless I made another affidavit.

Q. You remember the offer and the suggestion which they made to you to settle this whole transaction and induce you to make another affidavit, don't you? A. Yes, sir.

Q. Did they tell you they would take the hide off of you or anything of that kind? A. They said if I did not make such an affidavit the State would come on to me and shut me up.

Q. And that they would assist the State? A. They did not say that.

Q. Did Thomas Powers tell you what he would do in case you did not make another affidavit? A. He did not state that he would, but that the State would; he said that the State would shut me up—the way my affidavit read.

Q. You are a man of property? A. Yes, sir.

Q. You consider yourself worth how much money in property and estate? A. Perhaps in the neighborhood of \$2,000.

Q. They knew that you were able to respond—they knew that an execution on a judgment against you was good for the penalties attached to your trespass? A. Yes, sir; I think so.

Q. Did they tell you that they would clean you out if you did not make that affidavit? A. They said the State would take everything I had if I did not; they did not say they would, but they said the State would ruin me — the way my affidavit read.

Q. Who else was present at these interviews you had with Thomas Powers? A. Only Mr. Johnston and Mr. Coyle.

Q. Now, calling your attention to the interview you had with Thomas Powers while you were at work upon the lots when he visited you near the shanty to which you have referred, tell me everything that transpired at that interview between you and Mr. Powers? A. Well, he wanted to know how I was getting on with my logs and I told him I was getting along pretty well.

Q. What did he say about the coming election? A. Well, he was up for commissioner and wanted me to bring out my men and help him, and the talk was that I was coming up myself and he wanted me to hold off and let him run.

Q. That is you expected to be a candidate yourself? A. I intended to be.

Q. For commissioner of highways? A. Yes, sir; I was a candidate at that time myself; I was talking of running, and he and Mr. Johnston came up to see me and wanted me to pull off and help him.

Q. What did you tell him? A. I agreed to it, of course; I was busy at my logs, and he said, "You had better help me."

Q. And did he refer to the favor he had done you in permitting you to enter upon State lands to cut timber? A. No; not particularly.

Q. Did he not call your attention to the fact that he was doing you a big favor in that matter? A. Of course, I took it that way, and that is the reason I pulled off.

Q. What did Johnston say in the course of that interview? A. Well, he was a candidate for supervisor, and he thought that both of us being Republicans we would both be left, and he thought we had better take Powers, and of course I was not very particular, and I thought I would; they said they would help me another year, and I agreed to pull off.

Q. Now, when you made this purchase from Thomas Powers, as alleged, of the timber standing on the State lands of lots 102, 103 and 90, did he tell you anything as to the favors he could do you? A. Not that I recollect.

Q. Did he tell you anything of the favors that he could show you at any time? A. Not that I remember of.

Q. Did he not at that interview near the shanty, when you were at work upon lots 102, 103 and 90, tell you that he had other State land from which he wished you to cut and haul the State timber? A. Yes, sir.

Q. Where did he locate the lands to which he then referred? A. He said that he had 90 and 101 — that was right near by me; I told him if I could get around I would cut what was on there; but I told him that I thought I had all I could do.

Q. What terms did he offer in respect to the timber upon the State lands upon lots 90 and 101? A. What terms?

Q. Yes? A. The same, 25 cents a log for all I was a mind to cut.

Q. And he gave you permission to cut from lots 90 and 101 of township 26 all the timber that you could cut and haul therefrom at 25 cents per market? A. Yes, sir; if I got through where I was.

Q. Did you at that time contemplate accepting his offer, if you had time to do so? A. Yes; I told him I would if I had time to do so.

Q. What time was at your disposal? A. Then?

Q. Yes? A. It was either the last days of February, I think — it was just before the town meeting, and that was in March; it was not a great while before that.

Q. Was this offer to you of permission to enter upon lots 90 and 101 of township 26 made in connection with his request that you withdraw as a candidate for commissioner of highways and help him in his election as such commissioner? A. Well, I don't know — he just told me — he said if I could do more I could go upon those lots; he did not say anything in regard to that; he told me when I got through there I could go on there if I wanted to.

Q. Well, his reference to your withdrawal as a candidate for commissioner of highways was in that same conversation that he offered you permission to go on lots 90 and 101? A. Yes, sir.

Q. Was that offer of permission to go on 90 and 101 to cut and haul timber made to you before your agreement to withdraw as a candidate for commissioner of highways, or was it given to you after your agreement to withdraw? A. Well, it was after — I guess it was on our way back to the shanty.

Q. How many men had you in your employ at that time on your job? A. Well, I think about six or eight.

Q. Did you in your agreement with Thomas Powers undertake to see to it that the men then in your employ voted for him as commissioner of highways? A. Yes, sir.

Q. Did you know at that time that lots 90 and 101 were entirely State property? A. Well, nothing only that he told me.

Q. He told you that they were? A. Yes, sir.

Q. Can you recall anything that you have not already stated in your testimony here in relation to your negotiations with Thomas Powers and Andrew Johnston concerning your timber cutting and hauling from lots 102, 103 and 90 or 90 and 101? A. I can not think of any.

Q. Did you keep your bargain with Thomas Powers to vote for him and have your men then in your employ vote for him? A. Yes, sir.

Q. What did he say he would do for you other than you have already stated? A. I don't remember anything.

Q. Now, calling your attention to your transaction with Milo Knapp, when you cut and hauled the logs from four lots of township 26; will you state the agreement which you made with Mr. Knapp, and the entire transaction thereunder and when it occurred? A. I took the job in 1890 and finished it in 1892; I was to cut and pile and draw all the logs on those four lots, 73, 75, 77 and 90, for \$1 per log.

Q. And deliver them where? A. On the Boreas river.

Q. How much timber did you cut and skid and haul from those lots? A. In the neighborhood of six thousand.

Q. How many pieces were there? A. I don't remember; I don't remember how those run.

Q. Was it large timber or small? A. It was small timber; it had all been cut over; it was second growth.

Q. Spruce and hemlock? A. Spruce and hemlock and pine and ash and cherry.

Q. Did you cut everything, strip the land of all timber that was standing? A. All that would make logs over 6 inches of spruce; hemlock we took to 10, and balsam 8 or 9; I don't just remember.

Q. Did you know at that time that lot 73 belonged to the State? A. No, sir.

Q. Did you know that lot 90 belonged to the State? A. I did not at that time; I stated there 90; I think it was 90 I lumbered; it might have been 91 — I think it was 91 (referring to map); when I first spoke I was in doubt about the lot; I see now on referring to the map that it was 91.

Q. Will you now state the numbers of the four lots on which you did that job for Milo Knapp? A. Seventy-three, 75, 77 and 91; across the river; I might be mistaken in it being 91, but there was a little pond — the line crosses the corner of a pond.

Q. You can't recall the exact number? A. I can't recall the exact number — I thought it was 90, but I would not recall that lot.

Q. Do you know of any of those lots belonging to the State? A. No, sir.

Q. Have you received any information of any of those lots belonging to the State? A. No, sir; I just merely took those from Mr. Knapp; he sent Mr. Morse in to survey them out.

Q. During the last five years have you had any other business in relation to timber other than under the contracts of which you have now testified? A. No, sir; not that I can recollect of.

Q. Was your job for Dana Bissell previous to 1891? A. Yes, sir.

Q. And that was up in Newcomb? A. Yes, sir.

Q. Did you at any time during the last five years, purchase from Eldred Harpp or cut or haul from him any timber from lot 90, township 26? A. No, sir.

Q. We are informed by Eldred Harpp that certain cedar logs that were cut on lot 90, township 26, Totten and Crossfield purchase, which were put on the skidway during the winter of 1893-94 were taken away by Joseph Mitchell of the town of Minerva? A. That he cut and piled them?

Q. I don't know who cut and piled them? A. Well, I cut and piled them myself and drew them.

Q. In 1893-94? A. I stated that I cut and drew those logs myself on those lots; that was the lot we got mixed up on.

Q. For whom did you cut and haul that timber? A. Now hold on I won't be positive about that because I don't know where that was; I cut some cedar in there, but won't be certain about that lot because I don't know where lot 90 was.

Q. He says from lot 90 and you suppose they were from lot 90? A. Yes, I know I cut some cedar in there.

Q. How many logs did you cut and haul from lot 90? A. I should think there were in the neighborhood of six or eight markets; there might have been more.

Q. Is that all? A. I did not measure them; I don't remember the pieces.

Q. Where did you haul them to? A. I hauled them to my place.

Q. Near the church and public school house on the road to Minerva near Olmsteadville? A. Yes, sir.

Q. Do you remember any one coming on the lot while you were at work there with your men? A. No, sir.

Q. Did Daniel Lynch or D. C. Durfee ever visit you there or upon the adjoining lots 102 and 103? A. Not while I was on them, that I recollect of.

Q. Did you ever visit those lots in company with Daniel Lynch or D. C. Durfee? A. No, sir.

Q. Who were the men who were in your employ while you were cutting and hauling the timber from lots 90, 102 and 103, township 26? A. Joe Lahey, James Coughlin, or Cochran, Lowey Bennett, my brother Chester F. Mitchell and myself, I guess was all — all that I can remember of.

Q. Don't you remember James Kingsley also at work there? A. I will tell you; the last day of drawing, the last day but one, that I was finishing drawing, my brother-in-law died and I had to go out, and I was in a shanty where Harpp wanted to move into and he came out and helped the boys draw logs that day; he may have had some of his men help; while I was out he may have had this man there, but he never worked for me.

Q. Was there any boss on this job under you? A. Mr. Lahey had the job of piling; he had this Bennett and Coughlin working for him and my brother was working for me.

Q. Did you ever have any conversation with Mr. Harpp in reference to your cutting of timber on the State lands of those lots? A. Well, I could not say as I did; I might have, but I don't remember.

Q. Don't you remember of his having told you that you were cutting on State land? A. I don't remember of it; I might have; I don't remember it.

Q. While you were engaged in cutting timber there, Eldred Harpp told you that you were on State land, didn't he? A. I don't remember of it; he was there, of course; he worked there on it.

Q. Of course, you knew you were on State land, and you did not care a Continental, I suppose? A. Of course, I knew I was on State land.

Q. And it did not make any difference with you whether you were on State land or not, did it? A. I didn't mind, supposing I was all right.

Q. Why did you suppose you were all right? A. Because Mr. Powers sent me on there and he had charge of that timber; he was appointed to look after it and I thought from that I was all right.

Q. Were you ever told of Edward P. M. Lynch ever claiming any

right, title or interest to the timber upon either of those lots 90, 102 and 103? A. Not that I remember.

Q. Were you ever told of Orson P. Morse ever claiming any right, title or interest in the timber upon those lots? A. No, sir; you mean on 102, 103 and 90?

Q. Yes. A. No, sir.

Q. Did Eldred Harpp ever tell you of any negotiations he had ever had with Edward P. M. Lynch or Orson P. Morse in reference to that timber? A. Not that I remember of.

Q. Or with Pat Dougherty? A. No, sir.

Q. Do you know of Eldred Harpp having discontinued his work upon that lot 103, township 26, when you claimed to have bought the timber upon that lot from Dougherty and Powers? A. Yes, sir.

Q. Was he at work upon the lots, cutting or hauling timber, when you entered upon the same under your contract with Dougherty and Powers? A. No, sir; it was after that he went on.

Q. Did he not discontinue his work when you entered upon it — had he not been at work there previously? A. No, sir; it was after I got through lumbering he went on the lots; I don't know but what he did see me; I sent him word that he had better not cut any more.

Q. How many markets did you cut or haul from lots 102 and 103? A. Altogether?

Q. Yes. A. Well, in the neighborhood of 500 markets.

Q. Did you tell anyone that you had bought the timber on those lots from the State? A. Yes; Mr. Lahey knew it and I guess a great many knew it; I don't know as I told them the particulars.

Q. Did you tell anyone of your agreement with Thomas Powers in reference to the timber on those lots? A. Yes, sir.

Q. Were you ever charged by Thomas Powers to keep secret his agreement with you in reference to the timber on those lots? A. No, sir.

Q. Did you ever know Maurice Suprenaut cutting timber from those same lots or either of them? A. I don't know as I was through the lots while he was cutting them, but I was lumbering the same winter down below, and he said he was cutting it off of those lots; he said he was cutting them off those lots, and he said he got it from Dougherty.

Q. How much timber did he cut off from those lots? A. I don't know; I was not on the lots while he was cutting.

Q. Do you know of Pat Dougherty cutting timber off from those lots? A. I couldn't state; I never was on them while they were cutting, and don't know how much they got.

Q. Do you know Nellie Harpp, the wife of Eldred Harpp? A. I am somewhat acquainted with her.

Q. Have you been frequently at her house? A. Well, I boarded there a week one spring.

Q. Do you remember having said to her that you were not afraid of being caught, even if you did cut timber from State land? A. I don't remember.

Q. Will you deny ever having made that statement to her? A. I do not remember; I do not think I ever did; I do not think I ever talked much timber to her.

Q. Did you ever tell her or any one that it was all right if any one knows how to get at it and get out of it? A. I do not recollect of having any conversation with her.

Q. Was that not the fact, according to your understanding — did you not understand or believe at the time that it was all right? A. Of course I thought it was all right or I would not have cut it.

Q. If only one knew how to get at it and to get out of it — what did you mean by that statement? A. I do not think I ever made any such statement.

Q. Were all of the logs which you cut and hauled from lots 102, 103 and 90, township 26, measured by Chauncy Ackley? A. Yes, sir; all but the cedars; they were not measured at all.

Q. Where did you begin cutting on those lots, with reference to the Balfour clearing? A. At the lower end; that is, down toward the river from the clearing.

Q. And did you work toward the clearing? A. Yes, sir.

Q. Why did you begin there — so as to be out of sight of your neighbors? A. No; there were fallen timber across the road, and it would bother us getting through.

Q. To whom did you sell the timber taken from those lots? A. Andrew Johnston.

Q. Do you know to whom he sold the timber? A. Kenyon & Baldwin, as their man measured them.

Q. Did you ever have any conversation with Joseph Lahey with reference to your contract with Thomas Powers in relation to that timber? A. Yes, sir.

Q. What did you tell him? A. I told him that I made a bargain with Thomas Powers to get it, and he wanted to take the piling of it, so I let him the piling.

Q. Did you tell Joseph Lahey anything about the visit of Andrew Johnston and Thomas Powers to the shanty on the Balfour clearing?

A. I do not recollect whether I told him or not; I could not say as to that; I was there when they came; my girl was keeping shanty for me, and she said that Mr. Powers and Mr. Johnston had been up there; I do not remember where I was; I was not at the shanty.

Q. What did you understand to be the relations between Thomas Powers and Andrew Johnston in a business way? A. Well, I don't know — what do you mean?

Q. Did you understand that they were partners? A. I didn't know anything about it.

Q. Did any one tell you anything about it? A. No; not that I can remember of.

Q. But didn't you understand that they had intimate business relations with each other? A. I know they had business; they had a good deal of business for years.

Q. In relation to timber? A. Yes.

Q. From State lands? A. Yes.

Q. Were you paid in full for the timber which you took from those lots and sold to Andrew Johnston? A. Was I paid in full for them?

Q. Yes? A. Yes, sir.

Q. Do you remember what the whole amounted to? A. I cannot now.

Q. You sold the timber to Andrew Johnston at \$1.30 per market, and the same was measured by Chauncey Ackley? A. Yes, by Ackley; I do not know as that is his given name.

Q. Did Andrew Johnson tell you of any right or license obtained by him from State authorities of any kind to take timber from State lands? A. Not that I remember of.

Q. What is the meaning of the statement in the affidavit which you gave to Mr. Durfee that, before entering upon the lands which you knew to be State lands, you talked with Andrew Johnston and he told you of the bid he had made for you to the State for the timber on those lots had been accepted, and that you could go on and cut them?

A. I do not remember that now; I did have a talk to him about the lots, in regard to the bids; I sent in some bids; he wanted to know from me about some lots that he sent in bids for.

Q. What lots? A. I forget which lots they were; I told him of some that had timber on them.

Q. Did Andrew Johnson have anything to do with your contract with Powers for the cutting of timber upon the State lands? A. He

was present at the conversation, and he, of course, was the one to handle the logs.

By Mr. TEN Eyck:

Q. Was Johnston present? A. Yes, sir.

Q. And it was then agreed at that time he was to have the logs?

A. I think it was; we had different talks about it.

By the CHAIRMAN:

Q. When was your settlement with Andrew Johnston made?

A. I think it was in April, 1894.

Q. And he settled with you in full? A. Well, we just looked over—we didn't settle up; at that time there was a balance of \$308 due me on the logs at that time.

Q. And has that been paid to you since? A. Well, most of it; I haven't settled up fully with him; there may be a little difference.

Q. Is it a matter of no account as to whether he settles with you in full or not? A. I do not know as it is.

Q. Did he take out of the \$1.30 per market the amount that you agreed to pay Thomas Powers? A. No, sir.

Q. Did he pay you the full sum of \$1.30 per market for the 500 markets that you cut and hauled from lots 102, 103 and 90? A. Yes, sir; I traded it out with him at the store mostly.

Q. Have you ever paid Thomas Powers the amount due to him at 25 cents per market, that you agreed to pay him for the timber which you took from the State lands? A. No, sir.

Q. Do you admit that you are still debtor to him 25 cents per market for the 500 markets which you took from that land? A. No, sir.

Q. Why not? A. Because during this time Mr. Durfee came around and he claimed that he had settled with me; he claimed for me not to settle with Powers or anybody else; that he would settle it with me.

Q. Have you settled with Mr. Durfee? A. I suppose I have.

Q. In what way? A. I do not know how we learned — after I made my affidavit, "Now," he said, "your logs are paid for; don't you pay Mr. Powers or Mr. Johnston."

Q. Don't you recognize your liability and obligation to the State for the timber which you took from State lands? A. I do not understand your question.

Q. You are still owing the State, are you not, for the timber which you took from State lands? A. Yes; if Mr. Durfee's settlement is not good, I am owing the State.

Q. What evidence have you of any settlement having been made through or with Mr. Durfee? A. I haven't any evidence; he told me to call in witness to that effect, that I was settled with the State.

Q. Did he give you any writing or acquittance of the obligation? A. No, sir; he stated it before Wesley Barnes; I called Wesley in as witness; afterwards he stated it before Mr. Lynch and my wife; he told me to call in anybody I was a mind to, and Wesley Barnes was at the door and I called him in.

Q. Who else? A. Nobody at that time; later, at one time at my house, he stated, in the presence of Mr. Lynch and my wife, that I was all settled up with the State, and I need not borrow any trouble about Mr. Johnston or Mr. Powers.

Q. Had you arranged with Mr. Johnston for the taking of all the timber that you took from those lots before you commenced cutting?

A. Yes, sir.

Q. He was a party, as I understand it, to your agreement with Thomas Powers and with Patrick Dougherty? A. Do you mean he was a partner of Johnston?

Q. Was he a party to the agreement you had with Thomas Powers and Patrick Dougherty? A. Yes.

Q. That is, he was in partnership with you in the transaction? A. I sold him those logs, and he understood how they were.

Q. Was Johnston in partnership with you? A. No, sir; he was not in partnership, only I sold him the logs.

Q. You sold to him what you at the same time bought of Patrick Dougherty and Thomas Powers? A. Yes, sir; I sold to him what I bought of them.

Q. Are you the father of Bertha Mitchell? A. Yes, sir.

Q. Was she at the shanty, near the Balfour clearing, when Powers and Johnston visited there? A. Yes, sir.

Q. It was her business to be there all the time? A. Yes, sir.

By Mr. TEN EYCK:

Q. Mr. Mitchell, where was it you said you resided? A. Town of Minerva.

Q. How long have you lived there? A. About 24 years; about that.

Q. How old are you? A. Forty.

Q. Where did you live before you went to Minerva? A. The town of Schroon.

Q. Whereabouts? A. Way up in Paradox about nine miles.

Q. How old were you when you went to the town of Minerva? A. Sixteen, somewheres about that.

Q. What is Paradox, a village? A. No, it has a few little houses around there.

Q. What is the most prominent place near there? A. It is near Paradox Lake.

Q. Is there a village at the lake? A. No, there is just a hotel, and one or two houses; I have not been there since then but once; it may have built up since.

Q. You have not been up there since then? A. I have been up there once since then.

Q. Was there a school house there? A. Yes, sir.

Q. What did you do in your younger days? A. I went to school some; I lived there only a short time; father lumbered there some.

Q. Your father was not as lucky as some, and not in very good circumstances? A. Not very.

Q. He was not able to send you to school very much? A. Not very much.

Q. How much did you go to school? A. Well, I never went any after I was 14.

Q. How much before you were 14 did you go? A. Well, I could not tell just how much, we lived a good ways from the school house, and in the winter time we could not go any because we would have to drive three or four miles to get to school.

Q. In the summer time do they teach school all the while up there? A. I don't know; about as they do now.

Q. How much? A. In our district I think they keep about thirty-two weeks.

Q. You always went thirty-two weeks in the summer? A. No, I did not.

Q. Well, how much did you go? A. Well, I went just when the weather was so that we could go.

Q. I do not want to ask you a number of questions; now just tell us how much schooling you did have? A. Well, that would be pretty hard for me to tell.

Q. Do you think you have been to school a whole year; that is, put in all your time winter and summer? A. I should think I had.

Q. More than that ; would you swear you had been more than that ?

A. I would hate to swear that I had been more or less, because taking a fellow back to 14 he can not remember very much ; the last term I went I went up just about two miles from here.

Q. But you have educated yourself considerably since then ? A. Not very much, a little of course.

Q. You can read and write ? A. I can read and write a very little.

Q. Wasn't Mr. Leland your school teacher ? A. His wife, I think was.

Q. Can you read writing ? A. I cannot read some handwriting ; I am not very good at it.

Q. Then when you were 14 years old, you went down to Minerva ? A. About that time ; I would not say just when.

Q. What did you do ? A. I worked there.

Q. What did you work—in the lumber woods ? A. I worked in the lumber business.

Q. Whom did you work for ? A. The first winter I worked for Charlie Dougherty and Patrick Dougherty ; I worked part of the winter for each ; we came to Minerva in February, I think.

Q. Have you always worked at lumbering since that time ? A. Most of the time ; there have been perhaps one or two years that I have not done much at it.

Q. What did you do then ? A. Worked around on the farm.

Q. Was there any time that you were away from Minerva during that number of years ? A. Well, I have been away for a while, but I guess not for a whole year.

Q. Where were you a while ? A. There was one time that I went to Crown Point to work.

Q. What did you go there for ? A. To work.

Q. Was that the only reason ? Yes ; my folks lived there and I went to work.

Q. Are you a married man ? A. Yes, sir.

Q. When were you married ? A. In 1873, if I am not mistaken.

Q. Any children ? A, Yes, sir, five.

Q. Who did you marry ? A. Polly Lewis.

Q. Did she live in Minerva ? A. Yes, sir.

Q. Her people live there ? A. Yes, sir.

Q. Is she any relation to Wesley Barnes ? A. No, sir ; not any.

Q. Where did your father come from ? A. From Ireland.

Q. He was a republican ? A. Yes, sir.

Q. And you are a republican? A. Yes, sir.

Q. What was the first transaction you had in timber in the last five years that you have testified to? A. That was with Milo Knapp, or Knapp & Faxon; I made the bargain with Knapp, but Knapp was in partnership with Faxon; Knapp does all the letting of jobs.

Q. When was that? A. 1890.

Q. What lots was that on? A. Nos. 73, 75, 77 and 95; we had it, I guess, 90; I think that is the lot; I am not going to be positive about that lot; I am not positive, and I could not locate it, but I think it is 95.

Q. Well, it is the same lot that you testified to before? A. Yes, sir.

Q. That you meant the committee to understand that you had been on? A. Yes, sir.

Q. Who owned those lots at that time? A. Knapp & Faxon claimed to own them; they sent me on to lumber them, and sent Mr. Morse on to run the lines.

Q. Did you cut off all the lumber that was on those four lots? A. Yes, sir.

Q. Did you take it off slick and clean? A. Took everything we thought would pay to get.

Q. Do you know how large you cut logs at that time? A. You want to know the largest log?

Q. The largest and smallest? A. I do not know how they run; we cut them as low as six inches and as large as we could get.

Q. Did you run them all off down to six inches? A. No, we left a good many.

Q. You are a pretty good judge of lumber in this region, are you not? A. Some people call me so.

Q. You have grown right up in this region? A. Always have been here.

Q. Do you know how fast trees grow — how many inches they make a year? A. I could not tell.

Q. What do you mean by five inches — in diameter or circumference? A. Straight across — diameter.

Q. Now a tree that is five inches in diameter in five years from now would it be seven inches in diameter — do they grow as fast as that in this rocky region? A. I should not think they would.

Q. How fast would they grow? A. They calculate — those old fellows — that they grow one grain, an eighth of an inch.

Q. At this time Knapp & Faxon owned these lots? A. Yes, sir.

Q. When was it that you made the next transaction to go upon those lots and cut? A. These same lots?

Q. Yes? A. I made the whole agreement that year, but I had two years to finish the job in; I am quite certain it was 1890 I took it; I might be mistaken.

Q. How long did you work on those lots? A. I was two years at it.

Q. You finished in 1892 or 1893? A. I think it was 1892; if I had my time book here I might be able to tell more closely.

Q. Did you make an arrangement to go upon those lots with any other persons except Knapp & Faxon? A. No, sir.

Q. Will you swear here that you made no arrangement with anybody else to go upon those lots? A. Yes, sir.

Q. You are positive about that? A. Yes, sir.

Q. You had no talk with anybody else? A. No, sir.

Q. Think a minute; are you absolutely positive about it? A. Absolutely positive about it.

Q. What was the next transaction that you had after this Knapp & Faxon one? A. I took those logs to draw at Long pond.

Q. Where is that? A. I could not locate that lot because I do not know where those logs were; that is near this Adinlair place, about a mile and a half.

Q. You never was on lots 73, 75, 77 and 95 or 91, that is lot 95 or 91 that you have testified to; you never was on those lots since that time to cut timber? A. No, sir.

Q. And never had any arrangement since that time to cut logs on those lots? A. No, sir.

Q. You are positive of that? A. Yes, sir.

Q. What was this next transaction you spoke about? A. It was those logs that this Harpp piled and I just had the drawing.

Q. Where were they? A. It is somewhere near 104, the Balfour place, southeast of the Balfour place.

Q. These logs that you spoke of in connection with the Knapp & Faxon work was in township 26? A. I think they were. Is it '90 you are speaking about, or '93?

Q. Eighteen hundred and ninety I am speaking about now. A. They were on the 26 township.

Q. Now they were near the Balfour clearing; don't you remember what the lots were? A. Now you are getting at those in '93?

Q. I do not know when it was; it was the next transaction. A. That was the next transaction in 1893, after I got done with 95 and

73, 75 and 77, those four lots ; after I got through with them the next transaction was in the fall of '93 and '94.

Q. Well, between those two transactions that you speak of, did you draw logs for anybody — draw them, not cut them ; the next transaction was in what year ? A. I took them in 1893.

Q. How long did you work at that ? A. I worked until I think it must have been some time in February when I finished.

Q. In February, 1894, you mean ? A. Yes ; before I quite finished those I had commenced on these others which I had on 102 and 103, and 90 ; before we had quite finished drawing those that I had of Harpp, I put in a crew to work at these others.

Q. What was the next transaction, was it to cut or draw logs ? A. Just drawing them.

Q. That is all it was ? A. I had nothing to do with the piling or cutting, just drew them.

Q. Now, did you make before this transaction with Knapp & Faxon, an agreement, or have any transaction with Patrick Dougherty ? A. Before this ?

Q. Yes ? A. No ; it was after I had taken the contract to draw them.

Q. That is after you had taken this contract to draw for whom ? A. Knapp & Faxon.

Q. What was the transaction in the year 1890 or 1889-90 ? A. That was at Newcomb ; I had some logs to draw for Bissell.

Q. And before you had entered into any agreement with Dougherty you had made both of your agreements with Knapp & Faxon. A. Yes, sir.

Q. Now, that second agreement with Knapp & Faxon, I would like to have you identify with more particularity ? A. I do not know, sir.

Q. Who located the land from which you were to draw the timber ? A. Mr. Harpp told me where the logs were ; those logs were on three or four different lots, the corner in there ; there were a few logs from three or four different lots ; they had all been cut and skidded, and all I had to do was to draw the logs.

Q. Then after this second transaction with Knapp & Faxon you bought some timber from Patrick, commonly called "Bob," Dougherty ? A. Yes, sir.

Q. You bought that yourself ? A. Yes, sir ; lots 102 and 103 in the 26th township.

Q. What other lot ? A. That was all I bought of Dougherty.

Q. You are positive of that — just think of that — because we do not want you to make any mistake? A. I am positive about it.

By the CHAIRMAN:

Q. How soon after, or before you had made your contract with Patrick Dougherty, did you make your contract with Thomas Powers, of which you have testified in reference to lots 102, 103 and 90, either after or before? A. It was within a month, I should think.

Q. Before you had entered upon the job? A. I had entered upon the job of cutting the logs that I got of Dougherty; it was during the time that I got those logs of Dougherty.

By Mr. TEN EYCK:

Q. You are sure there was no other lot included in the sale from Dougherty? A. I know there was no other included in the sale; he talked with another, but I didn't take it.

Q. How long were you lumbering on those two lots you bought of Dougherty? A. I went in there some time during November, and I only had a couple of men; I just worked along with a small crew; I was there during the latter part of March; I done it mostly myself.

Q. But during that time you didn't cut any logs whatever from 90? A. Yes, a very few.

Q. How soon after you went in there to cut on 102 and 103 was it that you cut on 90? A. Somewhere along two or three months after I went in there; before I commenced to cut any State logs I had cut those logs I had bought on 102 and 103 from Dougherty; I cut those; I had a right to cut of my own; I cut those some time in November, and when I got those cut I stopped and went to drawing, and what I cut on the State I did not cut until later some time; I do not mind what time just now.

Q. Your gang was all together all the time? A. Yes, sir.

Q. Were there many logs on 102 and 103 when you went in there to cut? A. Not a great many.

Q. How many men did you have in there? A. I think somewhere about six; of course I varied; sometimes I may have had a few more.

Q. But you kept these men to work all the time? A. Yes, sir; drawing and skidding.

Q. How many markets ought a man to cut in a day? A. Well, that depends upon the men a good deal: some men will cut 10 and some will cut 20.

Q. How many trees did it take to make a market? A. Well it took five for one I think there.

Q. Some men will cut ten or twenty markets? A. Some cut as high as twenty markets in a day.

Q. And these that you found on 102 and 103 took about five for a market? A. About that.

Q. How long did it take you to draw those logs off after you cut them? A. I drew them just as I cut them; I kept one crew piling and one drawing.

Q. How many crews did you have? A. I had one team drawing and one horse piling.

Q. How many men did you keep piling? A. I kept three men piling; that is, this Lahey I let the job to had two men working for him.

Q. Do you mean to say that a man ought to cut and pile twenty logs a day? A. I claim that one jobber would cut on an average about fifteen per day.

Q. How many ought three men to cut and pile a day? A. Forty-five markets a day.

Q. They would average that? A. I should think so.

Q. How many markets did you cut off that lot? A. Well, I cut off of those two lots, all told, about five hundred markets.

Q. Did you work there steady? A. Quite steady; I was out a little.

Q. And it took you about two months to get them out? A. Yes, about that.

Q. As soon as you got them out you went on 90? A. Yes; they cut on 90 when they were cutting on 103; they only cut 15 trees; we did not know that we were cutting on 90.

Q. You did not know at this time that you were cutting on 90? A. No, sir; the cedar I knew I cut.

Q. At the time you did not know you had cut on 90, had you made the arrangements with Mr. Powers that you have spoken of? A. Yes, sir; I made arrangements to lumber it if I could get around to it, and I was not particular about that line.

Q. So it was matter of indifference to you whether you cut on 90 or not? A. Yes, sir.

Q. How many times have you been a candidate for office? A. Well, I never was a candidate really yet; talked of it two or three times.

Q. But you consider yourself a good, reliable Republican, do you not? A. I consider myself so.

Q. You have been looking for a nomination on the Republican ticket?

A. Yes, I have looked for it, but that is all.

Q. What would you say about a man that considered himself a good Republican, and would back out and support a Democratic candidate; what would you say about that man? A. I should not think that he was what he ought to be.

Q. You would not think he was very straight, would you? A. No.

Q. What would you consider him — would you believe that man in any transaction if he told you certain things? A. No, sir; I would not.

Q. As a matter of fact, you would not believe him under oath if he swore to anything? A. No, sir; I would not.

Mr. WAGSTAFF moved to strike out the testimony of the witness on this point as irrelevant.

The stenographer repeated the testimony referred to.

Q. Didn't you a minute ago, when that was read, say it was correct?

A. I might have.

By the CHAIRMAN:

Q. What explanation have you to give of the testimony you have just given, and as to how you desire to be understood? A. Well, the way I want to be understood was, that if a man came to me and made such remarks, I would not believe him, but I did not want to say that I would not believe him under oath; I would not believe him if he made great promises and went back on them; I did not mean to say that I would not believe him under oath.

By Mr. WAGSTAFF:

Q. If a man made a promise and lived up to it and kept it, would you believe him? A. Yes, sir; I would.

By Mr. TEN EYCK:

Q. You have not been drinking to-day? A. No.

Q. You are not a drinking man? A. No, sir; not very much.

Q. Have you understood the question I put to you? A. Yes, until that question there; I did not understand the substance of it at the time.

Q. What I asked you was, that if a man was a candidate of one party or another for an office, and he sold that party out and backed

out of the race himself and went in for his opponent, you would not think that he was an honorable man? A. I would not think he was honorable.

Q. And you would not want to have many dealings with that man; as an honest man yourself, you would not want to have many dealings with him? A. No; I would not want to have many dealings with him.

Q. You would always look upon him as pretty scaly, wouldn't you? A. Yes.

Q. And if you were an honest man, you would always look upon that as pretty scaly? A. Yes, sir; I think I would.

Q. Now, Mr. Mitchell, as a matter of fact, you would not believe him after you had known he had done that? A. Of course, I would not want to swear that I would not believe him; I would have my doubts about him.

By Mr. WAGSTAFF:

Q. You do not mean to say that you are such a rock-bound Republican that you never vote for a Democrat, and consider a Republican who votes for a Democrat unworthy of belief? A. No; I have voted for a good many Democrats.

Q. Then why do you consider a Republican unworthy of belief who votes for a Democrat? A. I don't mean that; I have voted for a good many Democrats myself.

By Mr. TEN EYCK:

Q. Now, Mr. Mitchell, you say you cut some cedar from that lot—which was that? A. 90.

Q. Who did you sell those to? A. I did not sell those.

Q. You knew they were on State lands when you cut them, did you not? A. Yes, sir.

Q. Where did you take those? A. Home.

Q. To your house? A. Yes, sir.

Q. What did you do with them? A. I made fence posts out of them.

Q. Sell them around the neighbors? A. No; there were only a few.

Q. Did you ever notify Mr. Durfee about those? A. Yes, sir.

Q. Did you pay the stumpage for those? A. No, sir; not any more than the rest; I settled for those the same as I settled for the others.

Q. How did you settle for the others? A. Well, I settled with Mr. Durfee, if that is a settlement; I don't know.

Q. But you never paid Mr. Powers anything? A. Not for those; no, sir

Q. Was you paid in full by Andrew Johnston for the logs you sold him? A. Yes, sir.

Q. Didn't he deduct the stumpage out? A. No.

Q. Why was it you did not pay Powers? A. I left the money with Mr. Johnston; he was to pay Powers.

Q. But he did not deduct it out of you? A. At the time I settled up with Johnston he owed me \$308, and I expected him to pay Powers out of it, but during this time Mr. Durfee came around and they never asked me for any stumpage after he came around.

Q. How long after you cut those logs was it that Mr. Durfee came around? A. I don't remember just the time that Mr. Durfee was around; I think it was some time in August or September.

Q. Of the following year? A. Yes.

Q. And in the mean time you had sold all the logs and skidded them and delivered them to Mr. Johnston? A. Yes, sir.

Q. Didn't Powers ask you for the stumpage? A. No, sir.

Q. When did you first know that these were State lands that you were going on? A. When I took it from Mr. Powers; he told me it was State lands.

Q. You had been in the habit of going on State lands? A. No.

Q. You swear to that? A. Well, I will swear; I was on State land once a number of years ago; I bought the timber in good faith but it turned out to be State land.

Q. What did you do then? A. I paid for them; I bought the timber in good faith.

Q. When was that you had to pay for it; what year? A. It is a good while ago; I think it was about the first year of my lumbering.

Q. When was that? A. About thirteen years ago.

Q. Is that the reason you never was on State land since, that you knew that you would have to pay for it? A. Yes, sir.

Q. What is the opinion down in Minerva about going on State lands and cutting the timber—denuding the forests—what is the feeling; do the people there sanction it, or don't they like to have the people go in and cut away the State forests? A. You can not cut much without somebody knowing it.

Q. And they would complain of it—the best people down there do not want the forests cut away, do they? A. I do not know as to that.

Q. But when people cut away the forests, if there is anything like that down there, they do it on the quiet? A. Well, last year I guess it was on the quiet; I don't know of any until last year.

Q. When did you cut, yourself; was it last year? A. It was 1893 and 1894 when I cut.

Q. But whenever they did it they cut it quietly; they didn't propose to let people know they were doing it? A. I do not know about that.

Q. You were prosecuted once? A. Yes.

Q. Didn't you know there had been a change in the law, and you could go on and cut timber after you were prosecuted? A. A change in the law?

Q. Yes, that you were allowed to go in, and cut all the timber on State lands that you saw fit; didn't you know that? A. No, I didn't know that.

Q. What was your information; did you think that the law was just the same as it was when you cut the timber? A. When I cut my last timber?

Q. When you cut the timber you were prosecuted for it? A. I didn't know I was cutting any State logs.

Q. You thought the law was just the same, didn't you? A. I didn't know what the law was at that time.

Q. But after you found out what it was, then you knew the law prevented you from cutting it? A. I did, until Mr. Powers let me go on.

Q. What do they call people here that go in and cut timber on State lands willfully, when they know it is State land, and go in and cut it; what do they call that class of people? A. They call them trespassers.

Q. Aren't they called timber thieves some times? A. Yes, you could call them that if you wanted to.

Q. It is pretty generally known in your locality that you cut timber on State lands, isn't it? A. Well, it has been until the last year or two.

Q. Has there been a change? A. I don't know as there has been any law; I do not know as to that.

Q. In practice? A. In practice there has been; they have cut more.

Q. What makes you think there has been in practice? A. I know there has been more cutting done on State lands.

Q. Whom have you known to cut on State lands? A. I can not remember them all; I heard of one man by the name of Bennett trespassing.

Q. Where did he trespass? A. I do not know, only I heard of the trespass.

Q. Do you know of any instance of your own knowledge, where any person has cut on State lands within the last five years, barring yourself? A. Not to be positive; I have heard of others.

Q. Have you heard of anybody else cutting on State lands within the past five years? A. I have heard of Charlie Callahan and John Owens; well, I have heard of several, but I could not remember them.

Q. Pat Dougherty? A. I don't know; I don't remember as to that.

Q. Who else—can you give any other names except Charles Callahan and John Owens, that you have heard cut on State lands? A. I could not remember any more.

Q. When did they cut—when did you hear of them cutting on State lands? A. Well, it was a year ago last winter.

Q. Whereabouts did they cut? A. It was on the Boreas river there; I could not tell just where.

Q. Anywhere near where you were cutting? A. They were further down the river; I could not locate the lands.

Q. You have never heard that they had to pay stumpage? A. I heard that they had to pay stumpage.

Q. When did you hear that? A. I don't mind just when I did hear it.

Q. How long ago? A. I could not say for certain when I did hear it; I have heard of it.

Q. Was it a day or two ago? A. It was longer than that.

Q. How long ago—you have some idea? A. Well, it was some time within the past year, but I could not exactly tell when.

Q. Will you swear it was not two years ago you heard it? A. I would not say.

Q. Will you swear it was not three years ago? A. Yes, sir; it was not as long ago as that.

Q. But you heard of it a long time ago, and very recently? A. Well, I presume I have.

Q. Well, as a matter of fact, did you hear it two years ago and also recently? A. I would not say as to that because I do not recollect.

Q. Now, when did you first meet Pat Dougherty, or commonly termed Bob Dougherty? A. That is about twenty years ago, when he first came to town.

Q. And when was the first business transaction you ever had with him? A. I worked for him that winter.

Q. What winter? A. Twenty years and over.

Q. And you worked for him since that time? A. Yes, sir.

Q. How recently have you had a business transaction with him, aside from the transaction you have heretofore spoken of in your testimony? A. You mean about the logs or any work?

Q. Any transaction? A. Well, I worked for him—I don't know—it is so long since then I do not remember just when.

Q. How long ago is that? A. I forget.

Q. Your relations with him have always been very intimate? A. Well, fairly good friends; we never had any trouble that I ever knew of.

Q. What is his reputation for truth and veracity in the vicinity in which he lives? A. I do not know; as far as I have had anything to do with him he has been all right.

Q. What do people say about him? A. Well, you will hear some people speak well of him, and others bad of him.

Q. Has he any enemies down there? A. I could not say as he has.

Q. People down there all like him? A. I do not know in regard to that; the dealings I had with him he and I always got along all right.

Q. Always treated you fairly and squarely? A. Yes, sir, always treated me fairly.

Q. Now, you did not expect you would have to pay any stumpage on the trees you cut on this lot 90? A. Yes, sir.

Q. You expected to pay that to Mr. Powers? A. Yes, sir.

Q. How much? A. Twenty-five cents.

Q. Is that a good price? A. Well, it is a pretty fair price.

Q. Did you ever offer to pay Mr. Powers? A. Not since; no, sir; I have not; Mr. Johnson was to pay him.

Q. You made your arrangements to go on 90 with Mr. Johnson?

A. And with Mr. Powers; I made the arrangement to go on with Mr. Powers and sold the logs to Mr. Johnson.

Q. Did you sell them at the same time you had that understanding?

A. Well, I think we talked about it.

Q. Who suggested your going to cut on lot 90, Mr. Powers or Mr. Johnson? A. Mr. Powers.

Q. He suggested it? A. Yes, sir.

Q. What did you say to him when he suggested to go on 90 and cut? A. Well, I told him that I did not know whether I could cut there or not.

Q. You told him you had all the work you could do? A. Yes, sir.

Q. Did you say anything about it being State lands? A. He said it was State lands.

Q. You don't think anything queer about that statement of his to go and cut on State lands? A. No; he said he had a right to cut them, and I thought he had, he being forester; he said he had a right to sell them, and I supposed he had.

Q. When did you first find out that he did not have the right to sell them? A. Not until Mr. Durfee came around.

By the CHAIRMAN:

Q. Did you then understand that Thomas Powers would sell the timber on State lands to some, and permit them to cut and haul timber therefrom, and that he would prosecute others for doing that very thing? A. No, sir; I do not know as I did understand it that way.

By Mr. TEN EYCK:

Q. Had you ever heard that Mr. Powers gave the right to anybody else to cut timber on the State lands at the time he made this alleged agreement with you? A. Well, I heard that about that time he had.

Q. When was it that you made this agreement with Mr. Powers; what year was it? A. Eighteen hundred and ninety-three.

Q. When was it that Mr. Durfee was there? A. I think he was there during the summer of 1894.

Q. Did Mr. Powers come up to the place where you were cutting any time while you were there? A. He came up to the shanty, within a quarter of a mile from where the timber was.

Q. Where was the shanty — on the Balfour lake? A. It is on the same lot; on lot 104 I think.

Q. Is the shanty on State lands or not? A. I rather think it is not; I think it is on the lot owned by Knapp & Faxon.

Q. Now, when you were cutting for Knapp & Faxon, that was just a year or two prior, was it not—didn't they warn you not to cut on State lands? A. Yes, sir.

Q. What did they tell you? A. They told me to get Mr. Morse to go in and run out the lines.

Q. Didn't they tell you they would have to pay stumpage for anything they cut on State lands, and to be careful? A. He told me to be very careful and not to get over the lines.

Q. Didn't he tell you that nobody had the right to allow you to go on State lands? A. I do not remember of any such talk; he might have.

Q. You will swear that he did not? A. I won't swear that he did not, because I do not remember.

Q. Didn't you know that nobody had a right to allow you to go on State lands then? A. Well, I didn't think they had; of course, I heard they had not.

Q. Haven't you ever told people to keep off from State lands; that nobody had the right to give anybody the right to go on State lands and cut the timber therefrom? A. I don't know; I might have, but I do not know that I have.

Q. Haven't you had a conversation with people when these reports were going around that certain people were cutting timber upon the State lands—now think—I want you to think pretty well about this—can't you call to mind any person that you told that nobody had any right to go there and cut? A. I want to get what you are at.

Q. You had heard that Callahan and Owens had gone on State lands and cut? A. I heard that.

Q. And you talked with some people about that, didn't you? A. I might have; I might have, but I don't remember.

Q. Didn't you ever tell a person that a man had no right, or that Mr. Powers or nobody else had any right to allow them to go on State lands? A. I don't remember such a thing.

Q. You do not remember that? A. I do not remember that.

Q. Did you believe the story that Callahan and Owens were cutting on State lands? A. I didn't know.

Q. You mean to tell this committee that you did not know. A. No, I did not know.

Q. Do you think they had a right to go on? A. Well, maybe, they got a right; I do not suppose they would go on unless they got some right.

Q. How did you get acquainted with Mr. Durfee? A. Well, he came to me one day—I saw him different times before, but I never was acquainted with him—he came to me one time at Olmsteadville.

The Committee then stood in recess until 8 p. m.

The Committee resumed its session at 8 p. m.

Examination of JOSEPH H. MITCHELL continued.

By Mr. TEN EYCK:

Q. Mr. Mitchell, did Mr. Powers give you the right to go on lots 73, 75, 77 and 95 that you cut for Knapp and Faxon? A. No, sir.

Q. He didn't give you any privilege, so you do not make any charge against him as to those lots? A. No, sir.

Q. Now, Mr. Mitchell, my head is a little thick, and I didn't quite understand when you got through with your cutting on lots 102 and 103? A. What time did I get through cutting on—

Q. 102 and 103 of township 26? A. Well, it was some time in March, I think.

Q. March, when? A. March, 1894.

Q. You are sure it is March, 1894, now? A. Well, I think it is March; I would not be certain.

Q. Well, was it the spring of 1894? A. The spring of 1894.

Q. You are positive of that? A. Yes, I am quite positive of that.

Q. Now, when did you get through cutting on lot 90? A. Well, it was all at the same time.

Q. Now, I don't remember what kind of timber you cut on lot 90? A. Well, I cut—I think it was 15 spruce trees and a few cedars; I don't remember how many; I think we had three lots out that was all.

Q. What did you do with the spruce you cut on lot 90? A. We measured them all together with lots 102 and 103.

Q. Did you draw them all together on lots 102 and 103? A. Yes.

Q. And who did you sell them to? A. Mr. Johnston.

Q. What did you do with the cedar? A. I drew them home.

Q. When did you draw them home? A. That spring, about the last of sleighing.

Q. There was snow on the ground? A. Yes, the roads were getting bare.

Q. Had it snowed the day before you came out? A. Well, I would not say for certain; I don't remember.

Q. Now, when did it snow, the day before you came out or the day after? A. I don't know as I remember that.

Q. You don't remember anything about snow storms? A. No, I do not.

Q. Do you remember a fellow by the name of Eldred Harpp? A. Yes, sir; I do.

Q. When did you get acquainted with him? A. When I knew him he lived at the Balfour place; he worked for me.

Q. Did you mention his name before to-day? A. Not as working for me; when he worked for me it was not direct for me—he took a job.

Q. Did you mention him directly or indirectly in your testimony before? A. Nothing, only the day he came there that my brother-in-law died.

Q. Did you mention him either directly or indirectly in your testimony before? A. I did not.

Q. Why not? A. Because he did not work for me.

Q. Had not worked for you indirectly either? A. I drew some logs for Faxon & Knapp and he worked for me on the river.

By the CHAIRMAN:

Q. Didn't he at the time of the death of your brother-in-law volunteer to work for you or help you? A. Yes, he came there.

Q. Do you know as a matter of fact that he worked for you at the time of the death of your brother-in-law? A. Only as my men said he did.

Q. Did you ever pay him for any work done? A. No, sir; he volunteered if I would let him in the shanty he would help me finish.

By Mr. TEN EYCK:

Q. Now, do you remember the day you drew those cedar logs home? A. Quite well; yes, sir.

Q. Do you remember what you done the next day? A. No, I do not particularly.

Q. Did you lay around the house or did you do any work? A. I do not remember.

Q. Well, what was the next work you did after that, after you drew those logs home? A. Well, I think I worked around on the farm.

Q. And the snow was all melted away? A. I don't remember.

Q. And the next day the snow was all melted? A. I don't remember as to that.

Q. Where is your horse stable from the house? A. Just a little ways from the house; it is perhaps four rods from the house.

Q. Don't you remember of going through the snow to your horse stable the day you came out of the woods? A. No, sir; I do not.

Q. Don't you remember that there was a snow storm that next day or had been that night? A. No, sir; I don't remember.

Q. How many cedars did you cut on 90? A. I don't remember exactly; there might have been in the neighborhood of six or eight markets, somewhere along there; we did not measure them.

Q. How many trees would that make? A. I don't remember just how many; I think we had three lots cut.

By the CHAIRMAN:

Q. How many trees to a lot or market? A. Well, I should judge we drew a little over two markets to a load; we did not draw very much because the ground was all bare.

Q. Did you draw on wheels or sleighs? A. On sleighs.

By MR. TEN EYCK:

Q. Do you know Mr. Morse, the surveyor? A. Yes.

Q. Where does he live? A. He lives right below me; his farm adjoins mine.

Q. What is his reputation for truth and veracity among the people where he lives? A. Very good.

Q. When was the first that you heard that the logs that you cut on lots 102, 103 and 90 were cut from State lands? A. The first I heard?

Q. When is the first you knew of it? A. When I took them from Mr. Powers I knew they were State logs.

Q. When is the first you knew that you had committed a trespass on State lands? A. Not until Mr. Durfee came around.

Q. That is the first you knew that a State official, other than Mr. Powers, had knowledge that you had committed a trespass upon any State lands? A. Yes, sir.

Q. What would you say if Mr. Morse should state that he went with you up on those lots under the direction of the State authorities in August, 1894; would you say that was true or false? A. I say he went with me, him and Mr. Powers.

Q. When was this? A. Well, it was some time through the summer; I don't remember just when.

Q. About in August? A. I would not say positively.

Q. It was in the summer of 1892, after you had drawn the logs out? A. They wanted I should go up and show them where I cut the timber.

Q. I thought you said that Mr. Powers knew where you cut the timber; why did they want to go up there? A. They wanted to go up.

Q. Did you go up with them? A. Mr. Powers and Mr. Morse went up together and I went up just a little behind.

Q. You met them up there? A. Yes, sir.

Q. What conversation took place? A. Mr. Powers said he would have to look up the trespass; that they were going to make an investigation or something; and they would have to look up the trespass; something to that effect.

Q. Did either Mr. Morse or Mr. Powers tell you at that time that you had committed a trespass and did they not estimate the number of logs you had cut? A. Yes, sir.

Q. What did you say when they told you that you had committed a trespass? A. They asked me to come up there and Mr. Morse went up to run the lines and I did not know I had got any from 90 until after they had run the lines—not until after Mr. Morse went up.

Q. Are you sure of that, that you did not know that you had got over on 90? A. Yes, sir.

Q. And if you got over on 90 it was not done willfully—you did not mean to do it? A. I did not mind; I had the privilege of lumbering, but I did not know that I had cut any on until we got there.

Q. Did you cut any more after you had cut? A. No, sir.

Q. Now, just state to the committee what you said to Mr. Morse and Mr. Powers when they told you you had committed trespass on 102 and 103? A. I don't remember what I did say now.

Q. Did they tell you that you would have to pay for them — didn't Mr. Morse or Mr. Powers tell you that? A. No, sir; not that I remember of.

Q. Did you make a remark then to either Mr. Morse or Mr. Powers that you had not committed a trespass; that either Mr. Morse or Mr. Powers had given you permission to cut there? A. I don't remember.

Q. Why not? A. I don't remember of it.

Q. Why didn't you — they accused you of trespass? A. I don't know as they did.

Q. You will swear that they did not? A. I won't swear that they did not; I don't remember.

Q. They accused you of trespassing? A. I don't know as they did.

Q. What did they say? A. I don't remember now.

Q. Just went up for fun? A. They went up to see how much I had cut; they went up to estimate; Mr. Powers did; Mr. Morse did not go at all off the line; Mr. Powers estimated what I had cut on the State and what I had cut on the railroad.

Q. What was he doing that for? A. I don't know what he was doing it for.

Q. Now, as a matter of fact at that time did you go and look at the trespass at all, you or Mr. Morse and Mr. Powers? A. Only to look at those few trees.

Q. Was there any talk about trespass on 90 at that time? A. Nothing at all that I remember of.

Q. You don't remember of any talk about trespass upon 90 at that time? A. Only just those few trees that I had cut over; Mr. Morse run the line and he said there is those few trees on 90.

Q. There was some talk about trespass on 90? A. Yes, those few trees.

Q. How many did they estimate you had cut at that time on 90? A. I think it was 16 trees; I would not be certain.

Q. How many did they estimate you had cut on 102 and 103, off the State land? A. I think, I would not be positive, but it was something between 250 and 300 markets.

Q. He told you that was the amount of your trespass at that time? A. Yes—you see they were all measured in together and he wanted to find out how much of a mistake there was.

Q. What did he want to find that out for? A. I don't know.

Q. Now, did you at that time, when they told you—didn't they tell you there had been about 325 markets cut off of State lands? A. I don't remember it—I don't think he did; I don't think there were as many as that.

Q. He told you you had committed a trespass to a certain extent, didn't he? A. Yes.

Q. He accused you of a trespass to that extent? A. I don't know as he accused me.

Q. Wasn't Mr. Morse present there when he accused you? A. I don't think Mr. Morse was present; Mr. Powers and I did most of the talking; we talked together on the line.

Q. Will you swear that Mr. Morse was not present at any time when you were told that you had committed a trespass upon 102 and 103 at that time? A. No, I would not swear positively.

Q. Did you then in the presence of Mr. Morse, or at any other time there, say that you had committed a trespass, but that you had had the privilege of Mr. Powers to cut there? A. At that time?

Q. Yes? A. I think not.

Q. Why not? A. Because, we had no conversation as I remember in regard to it.

Q. Had no conversation in regard to a trespass there? A. Not that I remember of.

Q. Are you positive of that? A. I would not swear positively.

Q. Why is it that you did not state in your examination heretofore to-day that you and Mr. Powers, and Mr. Morse went up there to estimate the trespass? A. I don't know.

Q. You forgot it? A. No, I thought of it.

Q. You must have forgot it, because you did not testify? A. No, I did not testify to it.

Q. But you forgot it? A. No, I thought of it.

Q. Well, if you thought of it, why did you not mention it? A. Well, I did not know whether you wanted it at that time.

By the CHAIRMAN:

Q. Were you not inquired of as to whether or not you had stated all of your interviews with Mr. Powers in reference to the timber that you had cut from lots 102 and 103, and did you not state that you had? A. I don't know about that.

Q. Did you when you made that answer have any recollection of the fact that you had an interview with Mr. Powers some time in the summer of 1894 in reference to your timber cutting on those lots? A. I thought of it at some time, but I did not state it.

Q. Will you explain, then, your withholding of any part of the truth in your testimony before this committee? A. I don't just understand what you mean.

Q. Will you explain why you suppressed and failed to give information of that interview? A. I thought that had nothing to do with it at all; I did not think it had; I thought of it at the time, but thought it had nothing to do with it.

By Mr. TEN EYCK :

Q. But you thought of it at the time? A. Yes.

Q. When did you think it would come out? A. I don't know.

Q. You were willing to go home and not be examined further? A. I thought I told all I knew about it.

By the CHAIRMAN :

Q. What other interview do you now recall, having had with Mr. Powers at any time concerning the timber cut by you from lots 102, 103 and 90, of township 26, other than you have already testified to? A. I don't remember of any more.

Q. Will you state it as a fact that you had no other interview except that you have already testified to? A. Not that I remember of.

By Mr. TEN EYCK :

Q. Now, Mr. Mitchell, after Mr. Morse and Mr. Powers were up there on lots 102 and 103, how long was it after that that some one had told you that you had committed a trespass upon 90 and 89? A. 89?

Q. Yes, 89 and 90? A. I don't remember of any one telling me that.

Q. On 90 then? A. How long after?

Q. After Mr. Morse and Mr. Powers and yourself were up on 102 and 103? A. I don't remember any.

Q. You will swear that nobody ever spoke to you about your trespass upon 90 after that? A. After I had talked with Mr. Morse and Mr. Powers?

Q. Yes? A. Not until I spoke to Mr. Durfee.

Q. You will swear that nobody spoke to you about that? A. Not that I remember of.

Q. You don't remember of Mr. Powers coming to you and telling you that you had cut some 37 trees on 90, do you? A. I told Mr. Powers that day that I had cut the cedar and wanted him to go over, but he did not go.

Q. Didn't you sell that cedar to some one? A. No, sir.

Q. You will swear that you did not offer to sell what you cut from 90 to Eldred Harpp? A. Yes, sir.

Q. Do you know how they found out that you had committed a trespass upon 90? A. Who had found out?

Q. Anybody? A. Well, no, I don't remember, unless they went and seen.

On motion of Mr. NILES the committee went into executive session, and after some time spent therein, the examination of Joseph H. Mitchell was resumed.

By Mr. TEN EYCK :

Q. Did you commit a trespass on 89? A. Not that I knew of.

Q. Will you swear that you did not? A. I could not; I do not know where it lies.

Q. Did Mr. Powers come to you after he had been there with Mr. Morse and tell you that you had committed a trespass upon 89 and 90? A. Not that I remember.

Q. Will you swear that he did not? A. Not that I remember.

Q. Did you ask him how he had found out that you had committed a trespass there? A. Not that I remember.

Q. Will you swear that you did not? A. Not that I remember.

Q. Will you swear that you did not? A. On 89?

Q. Eighty-nine or 90 — or 90 alone, put it? A. I would not swear because I do not remember.

Q. Did you not go with him then to count the number of markets that you had cut on 90? A. Yes, I went with him.

Q. This was after you were on 102 and 103 you went with him? A. We were on 90 before we went on 102.

Q. Did you know that he had made a report to the Forest Commission of your trespass before you made this affidavit for Mr. Durfee? A. Well, he talked of it; he said he was going to.

Q. He said that he was going to make a report that you had committed a trespass upon 90 and 102 and 103? A. Yes, sir.

Q. You don't know whether he did or not? A. No, sir.

By the CHAIRMAN :

Q. When did he tell you that? A. I don't remember whether it was before or after.

Q. Before you went up there? A. Before we went up on to the lots.

By Mr TEN EYCK :

Q. When was it, in August or about that time? A. It was some time during that summer.

Q. What did you say to him when he said he was going to make a report to the Forest Commission? A. I don't remember.

Q. Did you ask him not to do it? A. No, I don't know as I said anything.

Q. But you thought that he was going to? A. Only what he said; he said he was going to.

Q. What did Mr. Durfee say to you when he asked you to make that affidavit? A. Well, he wanted to know if I knew I trespassed upon those lots; he wanted to know if I knew they were State lands, and I said I did; he said he had authority to go on and settle them up and requested me to make an affidavit.

Q. Did he give you any guarantee if you would make that affidavit? A. He said he would settle with me.

Q. If you made the affidavit? A. Yes.

Q. But the settlement was only on condition that you made the affidavit? A. He did not say; he said "you can settle with me easier than you can with anyone else."

Q. Was that guarantee that he gave you in writing or verbal? A. It was before a witness.

Q. This was before you made the affidavit? A. No, after I made the affidavit.

Q. Didn't he tell you before you made the affidavit? A. No, he said he would settle with me, but he did not say how.

Q. He said he could settle with you easier than anybody else? A. He said he had authority.

Q. Did he afterward give you a written guarantee? A. No, sir.

Q. Did he before give you a written guarantee? A. No, sir.

Q. Did you ever tell anybody that he had given you a written guarantee against prosecution? A. No, sir.

By the CHAIRMAN :

Q. Did you ever tell anybody that he had guaranteed you against prosecution? A. Yes, sir.

Q. What did you mean by that statement? A. He said he had authority to settle with me for the State, and I called in Mr. Barnes and Mr. Lynch.

Q. Do you mean to state that, by the making of that affidavit, that you had settled with the State? A. He said I had; that is all I know about the matter.

Q. Was that your understanding of the matter? A. That is as I understood the matter.

Q. Did, he before you made the affidavit, say that by your giving and making that affidavit that you would be absolved from all liability? A. No, sir; he never said anything of the kind.

By Mr. TEN Eyck :

Q. Didn't he tell you that if you made an affidavit implicating one Thomas Powers that he would see that you were not prosecuted?

A. No, sir, he did not.

Q. Will you swear that he did not? A. Not that I remember.

Q. You swear that he did not? A. Not that I remember, sir.

Q. You swear that he did not? A. Not that I remember, sir.

Q. Is that as strong as you will put it? A. He did not make me any promises at all until after I had made the affidavit.

Q. He did not say anything about implicating one Thomas Powers?

A. No, sir.

Q. You will swear to that? A. Yes, sir.

Q. Did you ever tell any one that this affidavit you made for Durfee was not true? A. No, sir.

Q. Did you remove those logs that you cut as fast as you cut them on 102 and 103? A. Yes, about as fast as I cut them.

Q. What did you remove them so fast for? A. Because I let the piling to one man and I put my team to drawing and I drew them just as fast as they cut them because it was getting late in the spring.

Q. You did not tell anybody that after you had drawn them there was a heavy snow, after you had drawn your logs off of 90? A. Not that I remember of.

Q. Will you swear to that? A. I don't want to swear, but I am certain that I did not.

Q. Did I understand you to swear that Mr. Powers and Mr. Johnston and Mr. Coyle came up to see you? A. Yes, sir.

Q. And you rode with those three gentlemen down to the hotel? A. Yes, sir.

Q. You are sure Mr. Powers was in the wagon with you? A. Yes, sir.

Q. I understand you to testify that he requested you to make an affidavit contradicting what you had said in your previous affidavit?

A. Yes, sir.

Q. He asked that himself? A. Yes; we all three talked together; yes, Mr. Powers talked of it.

Q. You did not state to him that that affidavit that you had previously made was not true, but that at the present time you did not want to contradict it? A. No, sir.

Q. You will swear that you did not? A. Yes, sir.

ANDREW JOHNSTON recalled.

By the CHAIRMAN:

Q. I understand that you have with you some books and papers relating to your business—state what they are? A. My ledger, check books, what I could find of the vouchers—that is, the old checks.

Q. Are the accounts in your account books in your own handwriting? A. No, sir.

Q. In whose handwriting do they appear? A. My clerk's.

Q. What is his name? A. I think the clerk that kept the books was Charles Barnes.

Q. Are the stubs on the checks in your handwriting? A. I think they are, sir.

Q. Are the checks drawn and signed in your handwriting? A. Yes, sir.

By Mr. NILES:

Q. Will you produce a single check signed by you?

(Witness produces check and hands same to Mr. Niles.)

Q. Do you remember having paid Thomas Powers on or about November 22, 1892, a check for \$25? A. Only as the check shows.

Q. For what purpose was that sum paid to him by you? A. Well, I could not say for certain; I should say, perhaps it was for currency or in exchange for other checks.

Q. Will your books of account show for what purpose that check was paid to him by you? A. I don't know.

Q. Will you please examine and state? A. (Witness referring to check stub.) I think he gave me some currency and I gave him a check for balance; a man coming in would have, for instance, a check for \$100, and give me \$50 in currency and I give him \$50 check to balance.

Q. Will you state whether you had any transaction with Thomas Powers in which you were under obligation to him to the amount of

\$50, for which you paid to him on or about November 22, 1892, the sum of \$50, by check 48, made by you on Emerson & Company? A. I do not remember.

Q. Give me the number of pages in your books of account on which your lumber transactions are found recorded. A. Charles Callahan is on 693, 659 and 420; Owens 636, 408; Murphy—and Mr. Murphy's account I kept, "Joseph Murphy"—

Q. His real name was Thomas E. Murphy? A. Yes, sir; he always goes in the town by the name of Joseph Murphy—723, 632 and 300; Patrick Dougherty 624, 630 and 250.

Q. Suppose you turn to your account with Thomas Powers? A. Page 455.

Q. Is that account on page 455 the only account you had? A. It is on other pages in the book—page 2, 144, 160, 181, 208, 308.

Q. When was that transaction you had with Thomas Powers when you got leave to enter on State lands? A. I don't know as I ever got leave from Mr. Powers.

Q. Don't you remember when he permitted you to enter on State land to cut timber under the contracts that you made with some of these people who cut and hauled for you? A. No, sir.

Q. Under your contract with Thomas E. Murphy? A. No, sir.

Q. Or Charles Callahan or John E. Owens? A. I never got permission.

Q. Or Patrick Dougherty? A. No, sir.

Q. What were the dates of those transactions? A. The year I bought the logs was the fall of 1893 and the spring of 1894.

Q. In all those transactions? A. I think so; I won't be positive about it; it was with Owens and Callahan; page 392; I think Murphy got his logs in the fall of 1891 and spring of 1892, but the others were in 1893 and 1894.

By Mr. NILES:

Q. Mr. Johnston, is this your account with Messrs. Emerson & Co., bankers, from July, 1893, to December, 1894? A. Yes, sir.

Q. Can you refer to the stubs on this stub book which you have produced for the checks debited to your account in that bank book? A. I don't know as I could.

Q. Take some of the larger items; I see here an item of \$250.88 on July 8, 1893? A. That would not necessarily mean that was drawn

from the check book on July 8, 1893; that is when it was presented to the bank.

Q. I don't mean that; I mean can you refer to the stub in the check book; can't you find that stub there? A. I can't.

Q. Can you refer me to the check received by your bankers July 31st for \$407.84, or to the check for \$204.97 July 31st? A. I can't find them.

Q. Can you refer me to the stub for the item \$306.02 received by the bank on the 8th of August, 1893? A. I think that was a note.

Q. You don't find any stub corresponding with that item? A. No, sir; I do not.

Q. Can you refer me to the stub for the check \$42.59, received by the bank July 8, 1893? A. I can't find it.

Q. Do you think that was for a note also? A. It is possible; it should be in here if it was a check.

Q. Can you refer me to the item \$51.46 received by the bank on July 12th, 1893? A. I do not find it.

Mr. NILES.—Now, Mr. Chairman, I want to call your attention to the fact that I have compared the checks with the check stub book and I have not found a single item here corresponding with the stubs in that book; I think the witness must have another check book which he has omitted to produce.

The WITNESS.—No sir; I have not.

Q. Can you account for your failure to produce the stubs? A. It is possible I may have overlooked them on the stubs.

By the CHAIRMAN:

Q. Is the check book you hold in your hand the only check book which you have used in your drafts on Emerson & Co. for the period from September, 1892, to December, 1894? A. Well, I think it is not; I think there should be some smaller ones that have been used; I could not find them.

The CHAIRMAN.—Mr. Johnston, we will excuse you until to-morrow morning at 10 o'clock.

On motion, Lee Waddell of North Creek, N. Y., was appointed messenger to the Committee, to report forthwith.

The Committee then adjourned until to-morrow morning at 10 o'clock.

LELAND HOUSE, SCROON LAKE, N. Y.,
THURSDAY A. M., *August 15, 1895.* }

The committee met pursuant to adjournment at 10 a. m., all the members of the committee being present.

ANDREW JOHNSTON recalled.

By the CHAIRMAN:

Q. Will you turn to the account of Joseph H. Mitchell in your book of accounts where your timber transaction with him is recorded, and state what entries, if any, you there find? A. That is page 336.

Q. Read the entries of the timber transactions? A. (Reading.) July 29th, 1894, 190.4 market logs, \$247.05 credited to him; March 19th, 1894, 326.81 markets, \$424.85.

Q. At what rate per market are those entries made? A. \$1.30 per market.

Q. Does it appear by those entries that the whole sum of \$1.30 per market was credited by you to Joseph H. Mitchell? A. Yes.

Q. By those entries it appears that you received from Joseph H. Mitchell all together 516.85 markets, does it not? A. Yes.

Q. That you paid therefor by credit to Joseph H. Mitchell the sum of \$671.90? A. Yes, sir.

Q. Was that the whole sum that was due to him for the timber thus received by you? A. Yes, sir.

Q. Was any deduction made for stumpage? A. No, sir.

Q. Or for any purpose whatsoever? A. No, sir.

Q. Have you ever paid stumpage on this transaction that you had with Joseph H. Mitchell? A. No, sir.

Q. To any person whomsoever? A. No, sir.

Q. At the time of your contract with Joseph H. Mitchell for those logs, or at about that time, did you also enter into any contract with any person whomsoever for the payment of stumpage on these logs? A. No, sir.

Q. Where was this timber delivered to you? A. On the Boreas river.

Q. In the water of the river? A. Yes, sir.

Q. When and where was this timber measured for you and by whom? A. It was measured by Mr. L. C. Ackley, I think, on the bank of the Boreas river.

Q. Whereabouts and when? A. It must be about the dates on the books when it was handed in to me; I am not acquainted on the Boreas to know; they said it was at the head of what they call Long Fall, about a mile above Baker bridge.

Q. Were you present at the time of these measurements? A. No.

Q. Were you present when the timber was put into the river? A. No, sir.

Q. How do you know that you ever got the timber? A. By the measurements that Mr. Ackerly gave me.

Q. Was Mr. Ackerly employed by you in that matter? A. No, sir.

Q. By whom? A. Kenyon & Baldwin or the Kenyon Lumber Company.

Q. Are there two concerns, one named the Kenyon Lumber Company and the other the Kenyon & Baldwin? A. Kenyon & Baldwin are now the Kenyon Lumber Company; when I sold the logs to them Mr. Baldwin went out at that time and it was organized as the Kenyon Lumber Company.

Q. That was the first of January, 1894? A. Yes, sir.

Q. Under date of April 4, 1894, what entry, if any, do you find in your book of accounts on the account of Joseph H. Mitchell? A. April 4th, by balance due on settlement \$308.62.

Q. What is the meaning of that entry? A. That Mr. Mitchell and I looked over and settled up that date and the balance due at that date was that amount.

Q. And you then paid him that sum? A. Not at that date.

Q. When did you pay it to him? A. At different times, afterwards.

Q. When? A. April 4th, 7th, 10th, 12th, 14th, 20th, 21st, 24th, 26th, 28th, and 30th; also May 5th, 7th, 10th, 14th, 17th, 18th, 19th, 23d, 24th, 28th and 30th; also June 1st, 2d, 5th and 9th.

Q. Does it appear by your book of accounts that he traded out the balance of \$308.62 which appeared to be due to him on April 4, 1894? A. Yes, sir.

Q. Then you paid him no part of that debit balance in cash? A. May 5th there was cash \$15 and May 17th cash \$1, May 18th cash \$2; there may be cash in some of this merchandise, I would not be positive about it.

Q. With that exception he traded out the amount which you were owing him on that timber transaction in groceries? A. Different kinds of goods, some dry goods; I run a general store and, of course, whatever he wanted I sold him.

Q. Will you turn to the record of the timber account which you had with Charles Callahan; what entries do you find there with reference to your timber transactions with him? A. January 29, 1894, 990.21 markets, \$1,287.27; also March 19th, 311.99 markets, \$405.59.

Q. By those entries are you to be understood that you became his debtor for timber purchased from him to the amount of the sum which you have thus stated? A. Yes, sir.

Q. Where was that timber measured and by whom? A. Measured by L. C. Ackley, I think, the most part of it, on the Boreas river or on the banks.

Q. From what lots was that timber taken? A. I don't know, sir.

Q. Does your account with Charles Callahan show in what name that timber was paid for by you? A. Yes, sir.

Q. How? A. By check, cash or merchandise.

Q. Under this account with Charles Callahan it appears that you bought of him 1,302.20 markets and paid to him therefor the sum of \$1,692.86 altogether? A. Yes, sir.

Q. And that you paid the same by checks, cash and merchandise? A. Yes, sir.

Q. At what rate per market was that transaction? A. One dollar and thirty cents.

Q. Was any deduction made in your settlement with Charles Callahan for stumpage? A. No, sir.

Q. Did you pay stumpage to any person whomsoever on that timber? A. No, sir.

Q. Or agreed to do so? A. No, sir.

Q. Did you have any timber transaction with Charles Callahan, except that entered in these items of which you have just testified? A. No, sir.

Q. Will you turn to the record of your account of the timber transaction which you had with John A. Owens, and state the entries which you find there, and the meaning thereof? A. January 29, 1894, 1,026.56 market logs, \$1,334.52.

Q. Meaning thereby that you bought of John A. Owens 1,025.56 logs and paid him, or became indebted to him therefor in the sum of \$1,334.52? A. Yes, sir.

Q. At how much a market log? A. One dollar and thirty cents.

Q. Paid to him how? A. In checks, cash and merchandise.

Q. By yourself? A. Yes, sir.

Q. What deduction, if any, or allowance was made to him for stumpage on that transaction? A. Twenty-five cents a market.

Q. To whom, if to any one, did you pay the 25 cents per market which you deducted from the amount thus owing John A. Owens? A. To the Kenyon Lumber Company.

By Mr. WAGSTAFF:

Q. Why did you pay the same to the Kenyon Lumber Company? A. Because they paid the State and kept it out of me.

Q. What evidence have you of that payment by the Kenyon Lumber Company? A. Mr. Kenyon told me personally and Mr. Underwood.

Q. What caused the Kenyon Lumber Company to pay this 25 cents? A. I suppose the State made a demand upon them.

Q. You don't know that? A. I don't know it, but I understood from Mr. Underwood that they did.

Q. A demand for what reason? A. Because I suppose they thought they could not get it out of me.

Q. Why? A. Because I was in embarrassed circumstances.

Q. Do you mean to state that the State claimed that the timber came from State lands? A. Yes, sir.

By the CHAIRMAN:

Q. Is that the only timber transaction you had with John Owens? A. Yes, sir.

Q. When and where and by whom was that timber measured? A. By Mr. L. C. Ackley, a good part of it on the Boreas river in January, 1894.

Q. Will you turn to the account of your timber transaction with Thomas E. Murphy? A. Thomas E. Murphy is commonly called Joseph Murphy and the entries in my account with him are under the latter name.

Q. What entries do you find there, and will you state the meaning thereof? A. January 30, 1893, 590.53 markets, spruce, \$797.21.

Q. Meaning thereby that you bought of him 590.53 markets and paid to him therefor the sum of \$797.21? A. Yes, sir.

Q. How was that sum paid to him? A. Principally merchandise.

Q. What deduction was made from that amount for stumpage? A. None.

Q. From what lots was the timber which you bought of John Owens, of which you have just testified, taken? A. I understood after the logs were in that they were from 117 of township 26.

Q. From what lot or lots was the timber taken which you thus appear to have bought from Thomas E. Murphy, commonly known as "Joseph E. Murphy"? A. Well, I have the deed of that. (Witness produces deed made by Jeremiah Milman and Percy E. Adams as executor of the last will and testament of Louisa Taylor Milman to Joseph E. Murphy, dated November 21, 1892, acknowledged on the 22d of November, 1892 and not recorded, purporting to convey the northerly part of lot 118, township 26, Essex County, State of New York, in all 60 acres of land.)

Q. Will you turn to the record of your account of timber transactions with Patrick Dougherty; what entries do you find in reference thereto? A. March 5, 1892, 783.41 markets, \$1,057.60.

Q. Meaning thereby that you bought of Patrick Dougherty 783.41 markets and paid him therefor \$1,057.60? A. Yes, sir.

Q. At what rate per market was that transaction? A. One dollar and thirty-five cents.

Q. What deduction, if any, did you make from that sum for stumpage? A. None.

Q. Was the whole amount, thus appearing to be due to him on that transaction, paid to him by you, and in what manner? A. It was paid and by cash, merchandise and goods.

Q. Was that the only timber transaction that you had with him. A. Yes, sir.

Q. That transaction appears to be entered under an account headed, "Patrick Dougherty & Co.;" who composed the "company?" A. Mr. Burto was said to be a partner and afterwards said he was not; the clerk entered that as "company;" there was nobody known to me but Patrick Dougherty.

Q. Where was the timber taken from on this transaction? A. I don't know, sir, only from the lots he claimed to have bought from the railroad company, through Mr. Talbert.

Q. Where and by whom was this timber measured? A. I can't remember who measured it.

Q. In whose handwriting are the several entries in your books of account, of which you have now testified, in relation to your several timber transactions with Callahan, Owens, Murphy, Dougherty and Mitchell? A. My clerk.

Q. What is his name? A. Charles W. Barnes.

Q. By whose direction were those entries made in your book of accounts? A. By mine.

Q. Do those entries appearing in your book of accounts state the full transaction that you had with these several persons in relation to timber? A. Yes, sir.

Q. Will you turn to the record of your timber transactions with Kenyon & Baldwin, or Kenyon Lumber Company? A. It was kept as Kenyon & Baldwin.

Q. What entries do you find? A. January 27, 1894, to logs, 2,868.85; March 17, 1894, 698,16 market logs, \$907.60.

Q. Meaning thereby that you sold them logs under those dates for those amounts? A. Yes, sir.

Q. What quantity of logs was sold to them under date covered by the entry January 27, 1894, for the sum of \$2,868.85? A. Well, I think there were 2100 or 2200 markets at the rate of \$1.30 per market.

By Mr. NILES:

Q. Did they give you credit at the rate of \$1.30 per market? A. Yes, sir.

Q. I thought you stated that they deducted the amount of stumpage which they claimed they paid the State? A. Well, when we settled they charged me back 25 cents stumpage.

Q. Where does that appear? A. It is not on the books; it is on the statement that I could not find, which they gave me when I settled.

Q. Then according to your books you received the full amount of \$1.30 per market? A. Yes, sir.

By the CHAIRMAN:

Q. Then it appears by your books that you received from them altogether the sum of \$3,776.45 for timber sold to them on January 27th and March 7, 1894? A. According to the books.

Q. Is that statement correct? A. Less the 25 cents on the 1026 markets.

By Mr. NILES:

Q. Where did you figure any profit in that transaction to yourself? A. In goods sold to the jobbers.

Q. You don't claim to make any profit in the handling of the logs? A. No, sir; I was out of money on every transaction.

By Mr. TEN Eyck :

Q. For buying the logs you got the selling of the goods to the jobbers ? A. Yes, sir.

Q And you finally went into bankruptcy by the same ? A. Yes.

By Mr. NILES :

Q. Were these timber transactions the cause of your failure ? A. No, sir ; not wholly — partially.

By the CHAIRMAN :

Q. Have you been paid the full amount of \$3,776.45, and if so, in what manner ? A. I was paid, less 25 cents stumpage on the 1026 markets.

By Mr. NILES :

Q. I thought they claimed 30 cents ? A. Mr. Ownes paid the other five cents himself.

By the CHAIRMAN :

Q. Have you, with the exception of that one item of stumpage, been paid the full amount ? A. Yes, sir.

Q. Where is your record of your receipt of payment of that amount ? A. I haven't any except what is entered here.

Q. Does not the account which you here produce, in relation to your timber transaction with Kenyon & Baldwin, show that you have credited them with the sum of \$2,700 only, on this account of \$3,776.45 ? A. Yes, sir.

Q. Does it appear by this account that they are owing to you \$1,076.45 ? A. There are not ; no sir.

Q. Why are they not ? A. It is admitted to be credited to the last payments that they made.

Q. Does it therefore appear that you have not kept correct books of account ? A. I do not know that it does.

Q. Does it not appear, and do you not admit, that you have failed to credit payments received by you on your timber transactions with Kenyon & Baldwin ? A. It appears that they are not credited with the last payments ; I do not know why they should not have been though.

Q. Has the full amount which was owing to you, viz. : \$3,776.45 been paid to you ? A. Yes, sir ; less stumpage.

Q. Will you turn to your account of timber transactions with Thomas Powers? A. I haven't any.

Q. Did you have timber transactions with any person whomsoever, during the last five years, other than those of which you have testified before this committee? A. I think I did; one other that I forgot the other day.

Q. With whom? A. With Nelson Burto & Co.

Q. Will you turn to the record which you have of your timber transaction with him; what entries do you find? A. "Jany. 30th, 1893, by merchandise," it should be "logs," \$1,165.71."

Q. Meaning thereby that you bought of Nelson Burto & Co., timber for which you paid him \$1,165.71? A. Yes, sir.

Q. Where did that timber come from? A. I understood from Mr. Burto that a part was, I think, from 118 that Mr. Dougherty bought of Mr. Bradley, and part was off from the balance of the railroad lots that he had the timber of Mr. Dougherty.

Q. By whom and where was that timber measured and for whom? A. I think a large part of it was measured on the Boreas river, and the measurer I don't remember; that being put down "merchandise" was part of it spruce and part hemlock.

Q. This account seems to have been kept by you under the name of Nelson Burto & Co.; who composed the company? A. Maurice Suprenaut.

Q. What deduction, if any, did you make on this timber for stumpage? A. Not any.

Q. Did you pay the whole sum of \$1,165.71 on this transaction? A. Yes, sir.

Q. In what manner? A. In cash, merchandise, and paid Mr. Bradley, at Mr. Burto's request, \$125.

By Mr. NILES:

Q. What did Bradley have to do with the transaction? A. He sold the timber to Mr. Dougherty and Mr. Dougherty sold it to Mr. Burto and Mr. Burto sold me the logs.

Q. What other transaction in timber do your books show? A. Not any.

Q. That you had during the last five years? A. I don't know of any more.

Q. Will you turn to your account with Thomas Powers? What is the nature of your account with him? A. A running account.

Q. On what? A. On goods sold him.

Q. You mean groceries and dry goods? A. Yes, sir; probably.

Q. Does it appear by your account with him that you have paid to him any money whatever? A. Cash, \$3.25.

Q. Any considerable sums of money whatever? A. I don't think so; only a few small items of cash during the years from 1890 to 1895, amounting altogether to not exceeding \$25.

Q. Did you not keep more than one bank account during the last five years? A. Yes, sir.

Q. Where were they kept? A. Emerson & Co., Warrensburgh, and the First National Bank of Saratoga; I have had an account with Emerson & Co. ever since they started a banking business, some 15 years; I started in with the First National Bank of Saratoga in 1890 and did some business with them in 1890, '91 and '92.

Q. Where is your check book with that bank? A. I could not find that check book; the checks were all used up; they were small check books and were all used up.

Q. Does the record of your books which you have produced show all of your business transactions with him? A. All, except as commissioner of highways.

Q. Did you ever pay to him, by note or otherwise, any sum of money whatever? A. I did on commissioner account.

Q. Except the trifling sums to which you have referred? A. No, sir.

By Mr. NILES:

Q. Mr. Johnston, in comparing this account book with Emerson & Co. which you have produced with the check stub books which you have produced, I found a large number of items debited to your account for which no corresponding item appears on the check stubs; I also find a large number of checks in the check stub books which do not appear in your bank books as debited to your account; how do you account for that fact? A. Well, first, I had other check books but I have failed to find the stubs, and when I am away from home, for instance, in Troy or Albany, give checks without entering them upon stubs.

Q. Have you any record that will show a statement of those checks? A. I don't know as I have unless I can find who I gave them to, and find on their accounts; for instance, if I gave you a check in Troy, I would take a memoranda on a memorandum book and charge it up when I got home.

Q. Can you account for the large number of checks not being debited on your account book with Emerson & Co.? A. I think they are all on that book.

Q. Did you keep two accounts with Emerson & Co., at the same time? A. No, sir — that is, two personal accounts?

Q. Two accounts? A. I had an account with them as supervisor and an account as treasurer of the church.

Q. Are any of the checks in that check book drawn in your account as supervisor? A. I think there is one.

Q. Any more than that? A. I don't think there is.

Q. Will you produce your vouchers for the items appearing in this account with Emerson & Co.? A. What I can find, yes sir; for instance, you give me a note and it was due, I might write the bank to charge it to my account; I will produce all I can.

Q. With regard to items to which I have called your attention, for which no corresponding check or stub appears, will you turn to the credit that was given you on your account with Emerson & Co., for those items, if they were notes? A. I don't know as I can.

By Chairman WILDS:

Q. I direct you to produce the proper evidence, showing for what the several debit items of your bank account with Emerson & Co. refer to. A. I will produce all I can; I have got everything I can find at home.

Q. Whether they are notes, drafts or other evidences for the payment of money.

By Mr. TEN EYCK:

Q. Have you got them all in your possession? A. I have brought here all I could find; if you gave me your note and sent it down to the bank, if they discounted it they would send me a receipt back for so much and charge it right on to the stub of the check book.

Q. Did you make a search for all your books and papers, bank books, stubs of your check books and books of account, when you were at home the day before yesterday? A. Yes, sir; I made diligent search and put in all the time I was at home except a few hours' sleep

Q. Have you brought everything you found? A. Yes, sir.

Q. Do you know where any of the matter called for is? A. No, sir.

By Mr. ELDRIDGE:

Q. You were accustomed to give notes to people from whom you bought goods of? A. Yes, sir.

Q. Well, the only record you would have of those notes would be when they were returned to you as a voucher when they were paid?

A. Yes, sir.

Q. Did you keep those notes the same as other vouchers? A. No, sir.

Q. Why not? A. I did not think it was necessary; they being my own notes I destroyed them.

By Mr. TEN EYCK:

Q. And they were returned in your bank book the same as checks are in checking out your account? A. Yes.

Q. And when your notes were paid at the bank you simply had them deducted from your account? A. Yes, sir.

HENRY DORNBURGH, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. Where do you reside? A. Town of Minerva.

Q. How long have you lived there? A. Well, some 47 or 48 years.

Q. What is your business? A. Contractor and builder; architect.

Q. Lumbering? A. No, sir.

Q. Ever dealt in lumber or timber? A. No, sir.

Q. Standing or cut? A. No, sir; not of any account; the most I have dealt in has been hewn timber.

Q. Do you know anything about any stealing of timber from any State lands? A. Not personally.

Q. Do you know anything about any prosecutions for trespass upon State lands? A. I could not say that I do; I don't recollect.

Q. Do you know anything about any failure to prosecute for trespass upon State lands? A. Well, that question I might answer yes or no; I have heard of those failures, but they have not been brought to my knowledge.

Q. What have you heard? A. Well, I have heard that different parties have been stealing logs, cutting and stealing, and the agent permitted this going on.

Q. What agent? A. Mr. Powers, the forester.

By Mr. TEN EYCK:

Q. Do you know anything of your own knowledge? A. No, sir.

By the CHAIRMAN:

Q. Whom have you heard of as timber thieves from State lands? A. Well, I have heard of John Owens, Patrick Dougherty, Charles

Callahan, Joseph H. Mitchell, and others I don't remember now; those are in our own neighborhood and different parties outside, up in Long Lake section; a good deal is foreign to me.

Q. Have you knowledge or information of the particulars of their trespasses on State lands? A. I have not; only hearsay.

Q. Have you knowledge or information of the failure to prosecute them, or either of them for trespass upon State lands? A. I have not.

Q. Do you know whether any settlement for their trespass has been made with them or any of them? A. I know by report.

Q. That it has or has not? A. That it has.

Q. With each of them? A. Well, I don't know as I could say each of them.

By Mr. NILES?

Q. What do you mean by report? A. Common report.

Q. Did anybody ever state to you that trespasses had been committed or taken place by those men whom you have mentioned? A. No; I could not say that they had approached me that way, but it is only common rumor that goes about.

Q. Do you recall the name of any one individual from whom you have heard this statement? A. No; I could not.

Q. Have you ever, in your travels through that district, seen any evidences of trespass upon State lands? A. I have not, because I do not travel in the forest only by road.

Q. Do you know the location of the State lands? A. I know some of them.

Q. Have you ever seen evidences of any depredations upon State lands with which you are acquainted? A. I have not.

By the CHAIRMAN:

Q. You have referred to Mr. Thomas Powers, the forester, as having given permission or license to persons to cut timber from State lands; what do you know about that? A. Well, I know that the rumor is, that he suffered it to go on, and that he has taken stumpage and perhaps returned the stumpage to the commission; this I don't know anything about; but he should have returned it; and then I heard—I recall one name—Martin Allen; I was in the room when he gave his testimony to Mr. Durfee in the room there at Sullivan's hotel.

Q. What did Mr. Allen say? A. He said that Mr. Powers had seen him and requested him to go to Long Lake and do a job.

Q. On State lands? A. Yes; they were State lands when he got there; Mr. Allen said that Mr. Powers had got him to go up there and look a job over, and he sent him to a certain gentleman that would show him those lines — Mr. Dennis Moynahan — there was a gentleman with him by the name of Bradford Squires; Mr. Squires was acquainted in there; he had lived there some years ago; he told Mr. Allen "these here are State lots; you don't want to cut on these or have anything to do with them," and Mr. Allen said that after he found they were State lots he came out and they passed the corner going home, and Mr. Durfee found out some way that they had gone and Mr. Allen came back and gave that affidavit.

Q. How do you know that Mr. Allen got on the lots to which he was referred by Mr. Powers? A. I don't know only by his saying so, and Mr. Squires saying so; I have no other knowledge.

By Mr. TEN EYCK:

Q. Who was present when Mr. Allen made this statement? A. Mr. Durfee, Mr. Allen and myself; I think I had, just previous to this, made an affidavit and I was going out.

Q. What is Mr. Allen's full name? A. Martin Allen.

Q. Do you know him quite well? A. No, I do not.

Q. How long have you lived in the vicinity? A. I have lived in Minerva nearly fifty years.

Q. You know the State lands pretty well around? A. I do not.

Q. Have you ever held any office? A. What kind of office?

Q. Any office at all? A. In the forests?

Q. Anywhere or any kind of an office? A. Yes, I have been town clerk of the town.

Q. Anything else? A. No.

Q. Are you positive of that? A. No, I am wrong; I have been auditor.

Q. Anything else? A. I don't think I have.

Q. What is your full name? A. Henry.

Q. Were you ever postmaster of your place? A. Yes, sir, I was; I was postmaster; I had forgotten that; I was postmaster about nine years; I was postmaster all during the war, and still a Democrat; I expected to be ousted every little while, but they suffered me to remain.

Q. That was during the war? A. Yes, sir.

Q. Have you been a postmaster since? A. I have not.

Q. Who succeeded you as postmaster? A. Mr. Little; we have had the post-office since in my house, or in the office; my son was

appointed postmaster, and then he resigned in favor of my daughter, and she held it the last one in the family.

Q. Who succeeded her? A. I think it was Mr. Thomas Powers.

By Mr. NILES:

Q. When was your daughter postmistress? A. Well, it must be some ten or twelve years ago; I don't know as it is quite as long as that.

Q. How old are you? A. I am 77 past; I was born in 1818.

Q. And you were appointed postmaster as a Democrat? A. Yes, sir

Q. And you are now a Democrat? A. Always have been.

Q. Did you support Mr. Thomas Powers when he was a candidate for commissioner of highways — the last time he was a candidate, did you support him? A. No, sir; I could not do it.

Q. Is there any ill-feeling between you and Thomas Powers? A. Well, there is not any good feeling that either of us would tell you.

Q. What is the reason? A. It would take me some time to tell.

Q. Did he ever charge you with putting Paris green to poison your neighbors' animals? A. No; my neighbors' fowls.

Q. Did he ever charge you with persecuting your son's wife, or something to that effect? A. Oh, yes; but no truth in it.

Q. You, of your own knowledge, don't know that Mr. Powers ever gave Mr. Allen permission to go on State lands? A. I have answered that.

By Mr. NILES:

Q. Were these charges, or either of them, true against you? A. Oh, no, sir.

Q. You did not poison your neighbors' fowls, nor did not abuse your son's wife? A. Oh, no, sir.

THOMAS G. SHAW, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. Where do you reside? A. In Minerva, near Olmsteadville.

Q. How long have you lived there? A. I was born there and was away from there a few years; I have lived there now continuously for 40 years.

Q. What is your business? A. Farming, mostly.

Q. Do you know anything about timber stealing from State lands in that region? A. Nothing only by report; I have not lumbered any in a great many years myself.

Q. Do you know anything about any failure to prosecute for any trespass upon State lands in that region? A. I do not think I do of my own knowledge; I have heard such report but I do not know anything about it, personally.

By Mr. NILES:

Q. What is the report as to both these matters? A. It is commonly reported there that people cut timber—some do and others could not; that is the report.

Q. Who made the report to you? A. I can't tell now; it is pretty general.

Q. Can you recall the name of any individual who has talked to you on the subject? A. Daniel Lynch is one.

Q. Any other? A. Wesley Barnes; that is all I can think of now.

By Mr. ELDRIDGE:

Q. What did they know about it? A. I can't remember now.

By the CHAIRMAN:

Q. Who, according to common report, were permitted to take timber from State lands, either with or without paying for it? A. I don't know as I can mention any names; I don't think I can.

Q. Not even according to common report? A. No, sir.

By Mr. NILES:

Q. In your travels in that section, have you ever seen any evidences of trespass upon State lands? A. I don't think I have.

Q. Do you know the location of the State lands? A. I know some of them.

Q. Did you ever see any of the State lands where timber has been cut? A. I think not; I used to survey some years ago but I haven't of late; I can't stand it in the woods.

By Mr. WAGSTAFF:

Q. Do you hold any office at the present time? A. I am notary public.

Q. Are you justice of the peace? A. I was elected last spring but my term does not commence until the first of next January.

Q. Have you been justice of the peace before? A. Yes, sir; for thirty-five or forty years.

Q. Has any action ever been brought before you for trespass upon State lands? A. No, sir.

By the CHAIRMAN:

Q. Is there any other justice of the peace in your town? A. Yes, sir; there are three others; there are four now; I am not acting yet; Henry Bradley was elected over me a year ago last spring, and last spring I was elected again.

Q. Give the names of the other justices? A. Henry Bradley, Michael Lynch, John Lea and Nelson Hyatt.

By Mr. TEN Eyck:

Q. Mr. Shaw, are you opposed to Mr. Powers politically? A. I am a Republican; I was one of the first men that joined the party and have been a Republican ever since.

Q. You and Mr. Powers are very good friends, are you not? A. No, sir.

Q. Is there bad feeling between you? A. There is on his part; I am not so vicious as he is; I told him he reminded me of an old fish woman — howling about.

Q. You think he is pretty vicious? A. I do.

Q. Were not your son and Mr. Powers partners? A. They were for a time.

Q. Did they dissolve partnership? A. They did.

Q. Your son was put out of the firm? A. He was out anyway.

Q. Was he not put out? A. Not that I know of.

Q. Was he not put out for embezzlement? A. No, sir.

Q. You never heard of that? A. He was charged with it, but it was not true.

Q. Did you not charge Mr. Powers with being the cause of your defeat in the town election of 1894? A. No, sir.

Q. You did not charge him? A. I did not find any fault with him; I told him at the time they put me out that they ought to have done so long ago; I told him I thought the Democrats ought to have put me out long ago.

Q. You ran for the purpose of being defeated? A. I ran because the Republicans nominated me.

EDWIN M. TALBERT, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. What is your age, residence and business? A. Forty-seven years of age; I am a farmer and a butcher, run a meat market; and live in the town of Mineva, Olmsteadville.

Q. How long have you lived there? A. I was born there and lived there ever since.

Q. Do you know anything about timber stealing in that region?
A. From report I do.

Q. Of your own knowledge? A. Only from report.

Q. Give me such information as you can in relation to your personal knowledge on that subject? A. The only knowledge I have, and I don't know whether that would be—I won't swear I really knew it—I measured logs that were supposed to be taken from State lands, and was asked to go with another party to measure those logs.

Q. What year was that? A. Eighteen hundred and eighty-nine.

Q. Where? A. In the town of Minerva.

Q. Upon what lot? A. I could not tell you the lot; you will have a witness that will testify to the lot and who bought the logs.

Q. Who is that witness? A. Mr. Lavery; he bought the logs and had to pay stumpage.

Q. You were asked to measure those logs? A. Yes, sir.

Q. By whom were you employed? A. Mr. Lavery.

Q. How many markets were there? A. I could not give you the figures; it has been so long since that I don't remember anything about it; it was a small amount; it took us a day and I should think there were thirteen or fourteen hundred pieces; it was a day's work.

Q. For whom else have you measured logs? A. I measured for Finch, Pruyn & Company.

Q. Do you know of those logs having been taken from State lands?
A. No, sir.

Q. Do you know whether they were, or were not, taken from State lands? A. I do not know that they were; they would buy lots of logs from different individuals that we would measure, and it was not my business to know, and I did not care to know whether they were State logs or otherwise.

By Mr. WAGSTAFF:

Q. What made you suspicious that they were State timber? A. I don't know that I was.

Q. What made you suspicious that Lavery's logs were State timber?
A. Because there had been a dispute, and I had heard that there was a portion of those logs that did not belong to the lot that Mr. Shampine had bought of Mr. Dougherty.

Q. Who cut those logs? A. I could not tell you; they were cut by Mr. Shampine's order or his men.

Q. You don't know from what lots they came? A. No, sir; Mr. Lavery could tell you all about them.

By the CHAIRMAN:

Q. Did you measure them on the lots? A. Yes, sir; on the skid-ways.

Q. Can you by reference to the map? A. I could tell you the town but could not tell you the lot.

By Mr. ELDRIDGE:

Q. You understand that Mr. Lavery paid stumpage to the State? A. He told me he had; he said he had paid stumpage to the amount — well, he kept back \$300, which he said would be the right thing, from Shampine, and he said instead of that he had to pay some four hundred odd dollars.

By the CHAIRMAN:

Q. What else do you know about trespass upon State lands? A. Not any.

Q. Are you sure that you have no personal knowledge by confession or otherwise from those men who have trespassed upon State land? A. I am positive; I don't think I have heard it from anybody.

Q Does common report implicate anybody in particular in trespass upon State lands? A. Well, it has been said — it has been reported that Pat. Dougherty had sold logs that belonged to the State and let logs that belonged to other parties, and that Joe Mitchell had lumbered lots, or had logs that came from State lands; and, oh, I have heard way back that the firm of Faxon & Company have had logs that were taken from State lands; I can't remember now, but these reports come up and they are talked about in the village; it is not my business and I paid very little attention to it, but when it is talked over and over I hear it and that is all the attention I paid to it.

By Mr. NILES:

Q. Who made any of these statements that you have heard? A. I can't tell you.

Q. Have you ever seen any evidence of trespass upon State lands? A. Not unless those logs that I speak of that I measured.

Q. In traveling through the country haven't you seen any evidences of trespass upon State lands? A. No, sir.

By the CHAIRMAN :

Q. Don't you know that most of the land in your neighborhood is State land? A. I know there is a good deal of it.

By Mr. TEN EYCK :

Q. How many transactions did you say you had with Lavery when you thought he was on State lands? A. I measured once.

Q. You didn't know whether he was or not? A. I did not know because I did not know the law.

Q. You have no personal knowledge that they were cut from the State lands? A. No, sir.

By the CHAIRMAN :

Q. Have you ever sold timber from State lands? A. No, sir; never.

Q. Have you ever had any transactions in the purchase or sale of timber? A. No, sir.

By Mr. WAGSTAFF :

Q. Do you know of anybody ever being prosecuted for cutting timber from State lands? A. No, I don't know that I have.

By Mr. ELDRIDGE :

Q. Was Lavery prosecuted? A. I don't think so; never heard of it, and never knew of it.

EDWARD LAVERY, being duly sworn and examined by Chairman WILDS, testified as follows :

Q. What is your age, residence and business? A. Olmsteadville, town of Minerva, 50 years old; I am in the milling business — grist mill and saw mill.

Q. How long have you lived in Olmsteadville and how long have you been engaged in that business? A. About thirteen years.

Q. Have you ever had any transactions in the purchase or sale of timber? A. Yes, sir.

Q. What were those transactions? A. Well, I could not tell you; I have bought timber many times; I could tell you some of them; I could not tell you all of them; I bought logs every year since I have been there.

Q. What knowledge, if any, have you as to the lots from which the timber bought by you has been taken? A. Well, I have not got much

knowledge of the lots in particular, more than one particular lot over which I had some trouble with the State; I buy from parties that come and sell me.

Q. Were you ever charged with having taken timber from State land?

A. I never was charged with taking any myself, but I bought some timber from Joseph Champine which was to be delivered to my mill at \$1.30 per market.

Q. How much was delivered to you under that purchase? A. I can't tell just the amount of logs; I think there were about six hundred market logs altogether that I bought of him; when I bought them I supposed they were to be cut off a lot which he purchased from John Dougherty, as I understood; that was the understanding—he was cutting those from the lot purchased of John Dougherty; it was the next lot east; I had nothing to do with the buying of the lot.

Q. Who is this John Dougherty? A. It is a brother of this man who was here yesterday—Patrick Dougherty.

Q. Did you pay Joseph Champine for the logs purchased of him and delivered to you? A. I paid him in part, not all; I might explain it a little to you: when I found out that those logs, some of them, were cut on State lands, the first I mistrusted anything I notified Mr. Robert Bibby, the State Forester to go and see whether any of those logs were cut on State lot; I saw Mr. Bibby and stated that I mistrusted that, according to what I had heard, there was some mistake about cutting those logs and I wanted him to look it up; I had went on this lot and inquired where the lines of this Dougherty lot were, and he showed me lines which he claimed was the west line of this Dougherty lot; I was well satisfied that the title of the Dougherty lot was all right; the line he showed me proved to be the west line of the next lot west of this Dougherty lot which these logs were cut on that you see here (pointing to map) lot 25, township 25; that is a State lot; Mr. Bibby could not go there at that time I spoke to him about it; his children were sick and he said he could not leave for a few days; I went the next day and got Mr. Dougherty to go with me to show me the lines of this lot which Mr. Champine claimed he was cutting these logs off which I purchased of him; Mr. Dougherty and I went on to the lot, and, after considerable looking, he thought that the logs were not all cut on the lot he sold Champine, and he came to the conclusion, before we left the woods, that there was part of them cut on this State lot; I notified Mr. Daniel Lynch then—he held an office over Mr. Bibby—concerning the affair, and he said that if Mr. Bibby did not go within a few days he would look it up; finally Mr. Bibby came and I told him all I knew about the

lines of the lot; he went and looked it over and I do not know just how many, but he told me, I think, 120 or 125 markets, he should estimate, were cut over on the State lot; I would not be positive as to the amount, but it was somewhere near that; he probably made a report to the commission; I don't know whether he did or not; finally Mr. Bibby went out of office before it was settled, and Mr. Burke and Mr. Powers went and looked over the lot the next summer of 1889; here is their estimate of the logs cut on the State lot:

(Witness produces a paper stating as follows:) Logs cut on State land traced to Edward Lavery; name of trespasser, Joseph Champine, county of Essex, lot No. 25, township 25, Totton & Crossfield purchase, Thorn survey; number of pieces 1,374, number of lots 354; delivered at Minerva Creek. Total number of markets to Edward Lavery, 354.

OLMSTEADVILLE, N. Y., *September 13, 1889.*

Received of Edward Lavery \$442.50 in full settlement for the above 354 markets, purchased by him of Joseph Champine, who cut the same from lot 25, township 25, Thorns' survey, Totten & Crossfield purchase, Essex county.

(Signed.)

JOHN H. BURKE,

Inspector.

Q. State whether or not you paid to John H. Burke, inspector, or to any other person, the sum of \$442.50 in settlement of this trespass?

A. I did.

Q. In cash? A. Yes, sir.

Q. To whom was that payment made? A. Well, I would not be certain whether it was paid to Thomas Powers now, or him; he left this paper with me; when I paid this amount I know there was such a talk, but I won't be positive whether I paid it directly to him or Mr. Powers.

Q. The paper which you have produced has a note at the foot of it, "Make check payable to the order of Sherman W. Knevals, Treasurer of the State Forest Commission?" A. Well, I did not do that; I know Mr. Burke was there several times, and threatened to sell the logs if I did not pay it.

Q. How much a market was thus charged you for this settlement?

A. One dollar and twenty-five cents per market.

Q. By whom was that sum fixed as the amount of the penalty chargeable to you? A. By Mr. Burke and Mr. Powers; they were both there.

Q. Did you sell these logs? A. No, sir; I have got a mill and I bought the logs for my own use, to saw in the mill.

Q. Did you deduct this sum of \$442.50 from the amount which you were owing to Joseph Champine on your purchase of the logs of him?
A. Part of it.

Q. What part? A. I paid Mr. Champine \$310, and I was out \$132.50 over the price I was to pay him delivered at our mill.

Q. Why did you not deduct the whole amount? A. It was not coming to him.

Q. What did you agree to pay him? A. I agreed to pay him \$1 30 per log delivered at my mill and he kept on drawing those logs and by the time I found there was anything wrong he had drew out a good share of the price of those logs until it was settled, but he still kept on drawing them and dumped them in the river, and it was at the head of the spring driving and I was compelled to pay for the driving of those logs out in order not to lose the other logs.

Q. What irregularity do you claim there was in regard to this transaction? A. Mr. Powers—I do not blame him, and he did not know much about it; he was a new man.

Q. What complaint have you against Mr. Burke? A. I think he charged me too much.

Q. What other trespass on State land have you any knowledge of?
A. I have no knowledge of any; I don't pay much attention to what I hear and I don't investigate.

Q. Do you cut any timber yourself? A. I do, but I cut it on my own lot, what I cut; but I buy most of my logs.

Q. By reference to the map, which I now show you, will you state which was the lot owned by John Dougherty from which the timber was to be cut which you purchased of Joseph Champine? A. (Referring to map.) Lot 171 of the tract west of road patent, Totten and Crossfield Purchase.

By Mr. TEN EYCK:

Q. You never knew of any trespass which was brought to the knowledge of Mr. Powers and he failed or neglected to prosecute? A. I don't.

Q. Did you ever know of his giving permission to go upon the State land and cut? A. No, sir.

CHARLES P. SULLIVAN, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. What is your age, residence and business? A. Twenty-seven; postmaster at Olmsteadville; and reside in Olmsteadville, Essex county, N. Y.

Q. How long have you lived there? A. Always lived there.

Q. What do you know about timber stealing from State lands in that section of country? A. Not anything.

By Mr. NILES:

Q. That is, you mean you have no personal knowledge? A. Yes, sir.

By the CHAIRMAN:

Q. Don't you understand that is a matter of common occurrence? A. Yes; I have heard it talked, that is all, that there was timber taken off of the State.

Q. Whom have you heard of as being charged with taking timber from State lands? A. Well, I could not say, only one man, and I think that was a mistake—Mr. Eldred Harpp; it seems to me that was found out to be a mistake; I heard at one time he was on the State; that was the talk in our part of the country.

Q. Is he the only one you have heard of as having trespassed? A. I could not say.

Q. Will you state that you have not heard of any one else? A. No, sir.

Q. Give me the name of whomsoever you have heard as trespassing upon State lands? A. I could not give any names.

By Mr. NILES:

Q. Now, Mr. Sullivan, last year you made an affidavit in which you state: "From common talk and rumor, and what I heard people say, I believe there is common and continued trespass on the State lands in this section." Why did you make that affidavit? A. That was the talk.

Q. Did you consider common and continued trespass by one person? A. I did not understand that was in there; it was read to me.

Q. You also say: "And the people connected with the said trespass seem to have no fears of prosecution from the State authorities, or fear of molestation by the person or persons who have charge of the State lands in this section." What grounds have you for making that statement? A. I don't know; I did not know that I had made that statement.

By the CHAIRMAN:

Q. Did you make statement out of whole cloth from your imagination? A. I made the affidavit from talk I had heard around the village.

By Mr. NILES:

Q. You now say that you never heard of but one person making a trespass, and you state in your affidavit that it is common rumor—that it is a common and continued thing for people to trespass upon State lands? A. I did not understand it that way.

By the CHAIRMAN:

Q. Before whom did you make the affidavit? A. I could not say before whom I swore to it.

Q. T. G. Shaw, justice of the peace? A. Yes, sir.

Q. Was he present at the time of the reading of that affidavit? A. No, sir; I don't think he was.

Q. Well, do you mean to be understood by that affidavit as charging your neighbors generally with thefts of timber from State lands in that neighborhood? A. No, sir; I do not.

Q. Do you mean, by your testimony here, to be understood as stating that Eldred Harpp is the only person who is guilty of continued trespass upon State lands in your neighborhood? A. No, sir.

Q. You state that you have heard of other persons trespassing upon State lands? A. I could not recall any names; I heard some talk at one time that there was a man by the name of Martin Allen went from this place to Long Lake to take a lumber job from Mr. Powers, and I understood it was on the State.

Q. From whom did you have your information? A. I don't remember from whom it was—different ones were talking about it there.

Q. Did Mr. Allen himself inform you? A. No, sir.

Q. Were you informed that Mr. Allen did commit a trespass upon State lands? A. No, sir.

By Mr. NILES:

Q. Do you know the location of the State lands in this vicinity? A. No, sir.

Q. Have you ever seen any evidences of cutting of timber on State lands? No, sir.

By the CHAIRMAN:

Q. Has Mr. Thomas Powers or any other person sought from you any explanation of the affidavit which you made on the 28th of August, 1894, before T. G. Shaw, justice of the peace, in reference to trespasses upon State lands? A. No, sir.

Q. Have you had any talk with Mr. Powers in reference to the testimony which you might be called upon to give before this committee? A. No, sir.

Q. Or in reference to trespasses on State lands? A. No, sir.

Q. Have you had any conversation with any person whomsoever upon that subject since you were subpoenaed? A. No, sir, I don't think I have.

By Mr. NILES:

Q. Have you, since you made that affidavit, had any talk upon the subject which you have sworn to here? A. I said I did not know anything about it since I have been subpoenaed.

Q. To whom? A. Mr. Talbert; I said it a few minutes ago.

Q. Any one else? A. I think I told a number that I did not know what I was here for.

By Mr. TEN EYCK:

Q. Do you know T. G. Shaw? A. Yes, sir.

Q. Is he justice of the peace now? A. He was elected last spring, and will take his seat January 1st, next.

Q. Was he elected to succeed himself? A. No, sir; I don't think so.

Q. You live in the town, do you not? A. Yes, sir; he succeeds Mr. Hyatt.

Q. Had Mr. Shaw been justice of the peace prior to the time he was elected last spring? A. Yes, sir.

Q. When? A. He has been justice for some years, I guess, excepting one year before; he was out one year.

Q. Was he out the year prior to the time he was elected last spring? A. I think so.

Q. Was he a justice of the peace in August, 1894? A. That is, a year ago?

Q. Now you say he was elected last spring? A. I think he was.

Q. He was elected last spring and then he was justice for a year prior to that? A. He could not have been.

Q. Did he take your affidavit — this affidavit? A. I don't remember about the affidavit; I remember Mr. Durfee drawing up the papers.

Q. Did you call Mr. Shaw in? A. I don't remember.

Q. Have you ever known of a trespass to State lands of which Mr. Powers, or any other officials, had knowledge of the fact, and they failed or neglected to prosecute the trespasser? A. No, sir; I do not know.

ORSON P. MORSE, being duly sworn and examined by Chairman WILDS, testified as follows:

Q. What is your age, residence and business? A. My age is 74 years and live in Minerva, Essex county, N.Y.; my business is surveying; I do not work at it all the time, but that is my principal business.

Q. How long have you resided in Minerva? A. I was born in Minerva and I probably have been away from there about ten years all together in the course of my life-time.

Q. Have you been engaged in any other business than that of surveying during the last five years? A. No, sir; except that I have a farm; when I am not surveying I look after that; that is the only business I have.

Q. What transactions in timber have you had during the last five years? A. I don't think I have had any in the last five years; I don't exactly remember; I have had some timber land and let the jobs of lumbering it, but I think I have not in the last five years, although I am not positive about that; I could not tell without looking at my books.

Q. When was your last transaction in timber, and with whom? A. My last transaction in lumber and timber was with a Mr. Smith, on lot 120, township 26; that is the last transaction in lumbering.

Q. That is the southwest corner lot of that township? A. Yes, sir; southwest corner lot; I bought the timber from one Thomas Durant.

Q. Did you buy the land with the timber? A. No, sir; I did not; just the timber.

Q. Do you know that the land, or the timber upon the land, belonged to Thomas Durant at the time of your purchase of him? A. I know that Thomas Durant had control of the lot, and had had it for many years, and he said he had owned the lot; that was all I knew about it.

Q. When was that transaction? A. I can't give you the date, but I think it was over five years ago; I could tell you exactly if I had my account book with me.

Q. Did you sell the timber on that land? A. I sold the logs after they were taken off.

Q. Did you cut and skid the timber? A. My man to whom I let the job, cut and skidded it; his name was Smith.

Q. What was his first name? A. It seems to me his name was William; I can't now just recall the name.

Q. Did Charles Callahan have anything to do with the timber upon that land? A. Not to my knowledge.

Q. Did John Owens? A. Not that I know of?

Q. Did your purchase cover the timber and all the timber upon the whole lot? A. It covered the whole of the timber on lot 120; I bought it by the stumpage, so much a market log and paid for what I took off of it.

Q. You think that was more than five years ago? A. I should think it was.

Q. And that was your last transaction in timber? A. Yes, sir; that is, in lumbering; I have sold some lots since then, but I have not lumbered any.

Q. Did you ever have any transaction in reference to the timber upon lots 117 and 118, township 26, or either of them? A. Yes, sir; I had 80 acres on the north part of lot 117 that I bought at tax sale, and then I bought in the middle part of lot 117, a piece from the heirs of Coolidge, I think; I bought the timber—I bought it from the executor of the estate of Thomas Coolidge, I think.

Q. When did you sell the timber upon that lot? A. I never sold any timber upon the lot; I lumbered it and I did not get off all the timber on the middle part of the lot; and one Robert Dougherty came to me and wanted to buy my interest, whatever it might be, in this timber on the middle part of the lot; I wrote to the Forest Commission asking them if they owned all of lot 117; they said to me that they owned, I think, 100 acres south part and 80 acres north part; it so represented itself on their books; well, Robert Dougherty came to me and wanted to know what I would take for my interest—it was a kind of receipt and contract all together—I signed it over to him for fifty dollars; that is all I had to do with it; I said he could have it for that.

By Mr. NILES:

Q. Did you, at that time, tell him of the word you had received of the Forest Commission? A. I gave him the letter.

By the CHAIRMAN:

Q. Is the letter which I now show you the letter to which you refer? A. This was not the letter I referred to in the first statement I made.

Q. What first statement? A. I understood—this says:

“NEW YORK” STATE FOREST COMMISSION,
“ALBANY, November 20, 1893.” }

“ORSON P. MORSE, Esq., *Olmsteadville, N. Y.*

“DEAR SIR—Your letter of the 17th is received, and in reply we copy the following from our land list:

“Minerva, lot 117, north part 80 acres and south part 100 acres—180 acres.

“Minerva, lot 118, south part 126 acres and 15 acres northwest corner, square of all that remains after ex., 60 acres north part of lot—141 acres.

“Yours respectfully,

“C. O. McCREADY,

“*Secretary.*”

I had it in my mind pretty sure that he said his books showed it, but I made the inquiry for 118 by the request of Robert Dougherty.

By Mr. NILES:

Q. What are the size of lots in township 26? A. One hundred and seventeen, I think, is 236 acres.

By the CHAIRMAN:

Q. Did you, at the time of your inquiry of the New York State Forest Commission, in reference to the State's ownership in lot 117, to which you have referred, claim then to own any title or interest in that lot? A. I claimed to own that timber in the middle part of the lot.

Q. By what right? A. By a contract and receipt for the money I paid for it; I bought the timber on the lot; that is, the spruce, hemlock and pine; the soft timber; I bought and paid for it.

Q. Had you not, at the time of your inquiry of the Forest Commission, already lumbered on a portion of lot 117; where you claim to own the right to the timber? A. I had partly lumbered it; I had supposed at the time I let the job that I had taken it all off, but I did not.

Q. To whom did you let the job? A. John and Alex. McNamee.

Q. When was that? A. I can't give you the date of it; it was more than five years ago.

Q. When was your transaction in reference to the supposed remaining timber, to which you claimed title on any part of lot 117, which you had with Robert Dougherty? A. I think it was a year ago last fall.

Q. That would be in the fall of 1893? A. A year or two years ago last fall.

Q. In the fall of 1893? A. Yes, sir.

Q. Then your statement previously made that your last transaction in reference to timber was had with reference to the timber on lot 120, is not quite the fact? A. No, but I said that I lumbered myself.

Q. And do you not now state that since your transaction with reference to the timber on lot 120 you have had a transaction with Patrick Dougherty in reference to the timber which you claim title to on lot 117, township 26? A. I have reference to this, that I assigned to him all my interest in it to the timber, but I did not lumber it.

Q. But you had a transaction in reference to the timber on lot 117 subsequent to your transaction in reference to the timber on lot 120? A. Yes, I had a transaction because I signed the receipt over to him.

Q. You claimed no title to the land itself of lot 117? A. No.

Q. You simply claimed title to the timber on lot 117? A. Yes, that is all.

Q. And you sold or claimed to sell your title to the timber? A. Whatever it might be.

Q. If you owned any? A. Yes, sir; that is it.

Q. To Patrick Dougherty? A. Yes, sir.

Q. What was the consideration on that transaction? A. I think it was \$50.

Q. Did you receive that sum? A. I did.

Q. Do you know of \$50 worth of timber then standing to which you claimed title on lot 117? A. I do not; I never looked it over and never went near it; he came to me and made me the offer and I told him I would assign all the interest I had for the offer he made me, \$50.

Q. You supposed you had cut all the timber off? A. No; I will tell you; I let the job to Alex. and John McNamee, and I thought they had lumbered it all off, but it seems that Mr. Dougherty found that they had not; I did not go and look at the lot.

Q. How long was Patrick Dougherty's offer made, subsequent to the time when Alex. and John McNamee had lumbered it for you? A. I could not tell you that exactly; could not tell without referring to my books.

Q. Was it five years? A. I should think so.

Q. And more? A. It might have been more; it was as much as five years.

Q. What investigation, if any, did you make as to the timber cut from that lot by Patrick Dougherty? A. I did not make any.

Q. What knowledge, if any, did you have as to the timber cut by Patrick Dougherty from lot 117? A. I do not know as he cut any timber, except right on the line I saw; there were some trees cut; I did not go off of the line; I was tracing the line through, and I saw on both sides of the line there was some timber cut.

Q. What line? A. The line between 117 and 118.

Q. You know, then, that timber was cut by him on both lots 117 and 118? A. Not from my own knowledge; I did not see him cut any timber there; I saw that the timber was cut on both sides of the line.

Q. To what extent; how far did it extend over the lines? A. I could see four or five rods over each side of the line.

Q. And lot 118 belonged to the State? A. One hundred and eighteen belonged to the State except a portion of the north part of 118 did not.

Q. This cutting extended the whole length of the division line? A. Well, I struck the line up as far as the State owned; I came through the center of the lot and struck it up as far as 117 and 118, and then I turned southerly and came along that piece that was newly cut and I see it was cut on both sides of the line on 117 and 118.

Q. Was that on the portion of lot 118 which belonged to the State? A. That portion that I was on belonged to the State; Mr. Durfee was with me at the time.

Q. Did you in your sale of any right, title or interest to the timber on lot 117 to Patrick Dougherty, make any proviso "if you owned any"? A. I did not make any proviso whatever; I showed him the letter and showed him the receipt and told him he could do just as he pleased about it; I did not care one way or the other about it.

Q. What receipt and what letter do you refer to? I refer to the receipt of the gentleman who was agent or executor of the estate of Thomas Coolidge; when I paid him the money I took a receipt, a kind of contract receipt.

Q. Did you give any writing, showing your contract with Patrick Dougherty? A. Nothing, only I signed on the back of the receipt: "I herewith assign all my right and title to the within receipt;" that is all.

Q. Then the writing that you gave him did not express any title to the timber of lot 117? A. Nothing more, only what the face of the receipt contained.

Q. You did not assign the timber to him? A. That was all that I assigned, was the receipt.

Q. Did you at the time of your transaction with Patrick Dougherty then inquire of the Forest Commission what the States' ownership was in land in lot 117? A. You have all there is.

Q. Did you? A. I inquired of the Forest Commission.

Q. What did you inquire? A. Of what they owned in lot 117.

Q. And in reply did you receive the letter which you have referred to above? A. Yes, sir.

Q. Have you had any other transaction in the purchase or sale of timber, standing or cut, at any time? A. Not recently.

Q. More than five years ago? A. Ten years ago.

Q. Have you ever held any State office? A. No, sir.

Q. Have you ever held any relation to the Forest Commission? A. No, sir.

Q. Have you ever held any employment under the Forest Commission? A. Yes, sir.

Q. In what capacity, and when? A. Well, my first employment under the Forest Commission was when Mr. Carpenter was forester; he came to my place and wanted me to go up to the Boreas river and show him the lines around a certain lot; he supposed there were depredations upon State land; I went up there and traced the line out and showed him the location of the lot, and after I showed him the location of the lot he wanted to examine, and then he wanted me to go on and count up with him and estimate the amount of timber cut.

By Mr. NILES:

Q. Did you find it was cut on State land? A. Yes.

By the CHAIRMAN:

Q. Where was that? A. In the vicinity of North Hudson and Boreas river; I think the lot was in township 30.

Q. How long ago was that? A. About ten years ago.

Q. What employments have you had under the Forest Commission since then? A. Well, I have been employed by Daniel Lynch to assist him in looking up lots; I have been employed by Thomas Powers to assist him in looking up lots; they called upon me to assist them in locating certain lots—to assist them in it, and I would go out on the line and they would call back to me to see how far they went over the line; my business has been to assist in locating the lots and look up the lines; that is all; they did not employ me to count the timber or look them up, except Mr. Durfee, on lot 118, who asked me after the lines were located to assist him in counting the number of trees cut.

Q. When was that? A. I can't remember unless I refer to the affidavit; I can't recall the exact date, but I made affidavit as to the amount of trees cut at the time and swore to it and handed it to Mr. Durfee and he took it to the Forest Commission.

Q. Don't you remember that that occurred in August, 1894? A. Well, I will tell you; I am in the woods so much and have so many lots to look up that I can't recall them.

Q. Just say yes or no? A. I can't recall, but my impression is that it was; I don't trust my memory very much.

Q. Do you remember what you found? A. Well, I remember that there were 700 trees cut.

Q. Do you remember whether you found there that on the 15-acre lot of the State land the spruce was cut during the winter of 1892-3?

A. I should think that was about the time, as near as I can tell.

Q. Do you know by whose order that was cut? A. I do not.

Q. What is the meaning of your statement in your affidavit that that was cut by order of Henry Bradley of Olmsteadville, N. Y. who owned lots adjoining, and that the said Henry Bradley directed a survey to be made by you that would include the said 15 acres of land belonging to the State. A. I do remember of making a survey for Henry Bradley some years ago.

Q. In 1892 and 1893 or about the year 1892? A. I guess I did go up there and make a survey; I looked up the west line of lot 118, and it is my impression that that did include the 15 acres.

Q. You have also stated that Henry Bradley, after your survey of 1892, caused the timber of the said 15 acres of State land to be cut and logs removed; do you know that to be a fact? A. Principally hearsay only; I did not see it done.

Q. Your former statement upon that subject is positive and appears to be of your own knowledge? A. It is hearsay knowledge; that is what I stated to Mr. Durfee at the time I made the affidavit; I so understood it.

Q. Who do you remember hearing it from? A. Nelson Burto, I think it was.

Q. Did you, in the summer of 1894, count the stumps on that lot? A. No, I did not; I assisted in counting them.

Q. Did the count then made, in which you assisted, show by the stumps on the 15 acres of State land that at least 258 trees had been cut and the logs taken away? A. Well, I can't tell you positively as to the number of trees, but I should think there was as much as that.

Q. And that cutting was done during the years 1892 and 1893 as was shown by the stumps? A. I think so; yes, sir.

Q. Did an examination of the lines between lots 117 and 118 show that the trespass also extended upon the lands of the 126 acres of State land in lot 118, township 26? A. Yes; that is, the line between the north part of 118 showed that the timber was cut over.

Q. The south part you mean? A. There is a subdivision in that lot 118, south of the north part. You say the southerly part of 118

belongs to the State, and 15 acres in the northwest corner; there is about a lot or two lots between this 15 acres and the 126 acres; the small piece in the northwest corner does not come down quite to the 126 acres.

Q. Did the trespass which was committed on the 126 acres of land run along the line of lots owned, or claimed to be owned, by Henry Bradley? A. I think so.

Q. Did you assist in the counting of trees cut over that State land? A. I did.

Q. And did you find the number cut to be 211 spruce trees? A. I can't tell you exactly the number unless I have my memoranda.

Q. Well, if it should appear in your affidavits that you have heretofore made that that statement is contained therein, is that statement true? A. Yes, sir; because Mr. Durfee and I compared notes, my account and the statement in the affidavit, and it was true, the one I signed, because I looked particularly to see that they were correct.

Q. Those spruce trees were cut and the logs taken away? A. Yes.

Q. And that cutting appeared to have been done in 1892 and 1893, according to the stumps? A. Yes, sir.

Q. Did you also find that 552 spruce trees were cut and the logs taken away from that same lot during the years 1893 and 1894, as shown by the stumps? A. I did not assist in counting up only at one time that Mr. Durfee was there.

Q. This is all drawn from your statement and affidavit? A. Then it must be correct if it is drawn from my affidavit; it must be correct.

Q. Did you find a further trespass on the westerly side of lot 118 and on the line running between lot 118 and 119? A. There was some trespass on the westerly line of 118 and 119, but I did not assist in counting the stumps up.

Q. How far did that trespass extend? A. It was only a few trees; I was on the line and I waited for Mr. Lynch and Mr. Durfee to count up the stumps.

Q. Did it extend for 20 rods along that line? A. I should think it did.

Q. How far into the State lands? A. I should not think it went in very far.

Q. Did you find another trespass on the easterly side of lot 118 along the line of the lot between 117 and 118? A. Well, it was divided up in that way; it was clear across the whole width of the lot; it extended to the line of 117.

Q. Along the southerly side? A. Well, it was the northerly side of what the State owned, and commencing at the west line and took a

strip over from the west line to the east line; consequently it extended along 117.

Q. That trespass was committed when? A. I should think in 1893 or 1894, some where along that.

Q. What was the size of the trees cut? A. They were small; Mr. Durfee measured some of them; I did not measure them.

Q. Were they as small as 6 inches? A. I should not think there were many; I think some of them were as small as 6 inches cut off at the top ends.

Q. Were they as large as 16 inches on the stump? A. Very few as large as that.

Q. Did you find many trees cut and left in the woods? A. Yes, there were a few that had fallen down.

Q. That was on State land? A. I did not take particular notice of these.

Q. Did you ever visit any other locality with Mr. Durfee? A. No, sir; I think not; I have no recollection of going on any other lots except 118.

Q. Did you ever visit, with Mr. Durfee, lots 102 and 103 in the summer of 1894? A. I don't remember as to that; I was a thinking that I went with Mr. Durfee on lot 118, and then he wanted me to go with him on township 16, but I don't remember now positively whether I went on to 102 and 103 with him; I don't recall it to mind, if I did; if I did I have forgotten it.

Q. Do you remember Mr. Durfee being in Minerva in the summer of 1894? A. No, sir.

Q. Well, when was it you went with him on lots 117 and 118, of township 26? A. It must have been 1892 and 1893; he was not here last year.

Q. Are you not a trifle mixed on the matter? A. I am a trifle mixed on the dates; I am in the woods with so many different ones that I can't recall each particular one.

Q. Don't you recall Mr. Durfee's visit to Minerva and its object? A. I can't give you the exact date that he came there unless I refer to my memorandum book; I keep those things on my memorandum book and I don't charge my mind with it.

Q. Do you know of any other trespasses on State lands? A. I have been upon the lines of State lands and see where timber had been cut on State land.

Q. Where? A. Well, I was on lot 102 and saw where there was some timber cut on that.

Q. When? A. That was in 1894, I think; I think it was last year I was there.

Q. About this time in August? A. I shouldn't wonder if it was about this time.

Q. Where else have you seen any cutting on State lands? A. In a good many different places I have seen it.

Q. Where have these trespasses occurred where you have been? A. I was along the line of 90 and I saw some cutting on 90, township 26.

Q. When were you there? A. I was there, I think, in 1894.

Q. About a year ago now? A. Yes, sir.

Q. The same time you were on 102? A. About the same time; yes.

Q. Where else have you been? A. I was on township 27, but I could not give you the lots; I was walking through the woods on township 27, when I saw logs piled and cut there on State land.

Q. When was it? A. I was there in 1894.

Q. And upon what lot? A. I told you I could not tell you what lot; I was walking through the woods and it was in township 27.

Q. Near what part? A. In the southerly part on State land.

Q. Was it upon Thorn's survey? A. I think it was somewhere in the neighborhood of 49, 58 and 59; (indicating on map) it was along here on this old road.

Q. What quantity? A. I think three skidways; some had been taken off, but I could not tell you how much; I was just travelling through the woods.

Q. Did you see also there evidence of a considerable extent of the lots having been cut over? A. I just merely passed along and saw maybe eight or ten rods each side of us and saw the logs cut and piled there.

Q. Are these the only cases of examination of State lands where you have found evidences of trespasses during the last five years? A. I saw one skidway of logs cut on 90.

Q. When was that? A. That, I think, was in '93 or '94; I think it was in '94, if my memory serves me right.

Q. Were the logs on the skidway? A. No, sir; I saw where the timber was cut; there was a new skidway there but there was not any logs there; they had been taken off.

Q. How much timber was cut from lot 90? A. I was on the corner of the lot and saw quite a number of new logs cut, but I did not examine anything; I was going on to another lot.

Q. Was anyone in your company? A. Yes; there was.

Q. Who? A. Thomas Powers and Joseph Mitchell; I may not have the date exactly right in respect to the time I was there.

Q. What occurred at the time of your visit to lots 102, 103 and 90, of township 26? A. I was taken in there by Thomas Powers to

show the lines of subdivision of 102; I went to this corner of 90, 102 and 103, and from that I took my bearings to a subdivision line of 102, and I went around and showed them the points where the line was of what the State owned, and Mr. Powers and Mr. Mitchell did the looking up, and I followed the lines.

Q. Did anything else occur? A. Nothing, only looking up the lines, on my part.

Q. Was anyone else there? A. No, sir; only us three; Powers, Mitchell and myself.

Q. Did you go there alone? A. Powers, Mitchell and myself went there together.

Q. What was the object of the presence of Mr. Mitchell, and what interest had he in the matter? A. I can't tell you any further than Mr. Mitchell going to show Mr. Powers the skidways; I understood the way they went around the woods that Mr. Mitchell knew where the skidways were, so that he could go and show where he could pile his logs and where the timber was cut.

Q. You knew then that he had been cutting timber from these lots? A. I did not know of my own knowledge, but I understood, from hearsay, that he had.

Q. Did you hear him say that he had cut it? A. I heard him say that he let Joe Lahey have a job of cutting and pilling, I think; I am quite sure that I heard him say that.

Q. Did you hear him say anything else about taking timber from those lots? A. No, sir; only letting Lahey take a job.

Q. Was any charge of trespass then made against him? A. Not by me; there was not very much talk one way or the other about it, only when we were in the woods he said "out here is one skidway and over here is another skidway; they went off by themselves and I kept on the line.

Q. Was that visit of yours to lots 102, 103 and 90 of township 26, made after or before Mr. Durfee's visit to Minerva? A. It was after his visit to Minerva.

Q. How long after? A. I should think as much as a year at least.

Q. Are you not a little wild in your statements of time? A. I don't think I am on that; it might be more than that length of time.

Q. Don't you know of Mr. Durfee being in Minerva in the summer of 1894? A. As I said before I can't remember the dates positively.

Q. Well, you can remember seasons, can't you, and years? A. I know I can, but when a person that is with so many different ones and so many different places — I can't remember all of the dates and times.

Q. Well, you remember the time when you made an affidavit before Michael Lynch on the 24th of August, 1894, in reference to the trespasses of which you have now testified? A. Well, I could not swear positively that it was during that time.

Q. Was it before or after the making of that affidavit that you went upon lots 102, 103 and 90 of township 26, in company with Joseph H. Mitchell and Thomas Powers? A. My impression is that it was after; that is my impression.

Q. What suggestions, if any, have you to make in reference to the improvement of the laws for the protection of the forest preserve? A. The suggestion that I would make is to put a man in charge that will look after the timber and see that people don't cut it; put competent men in who will not go in to take their salary simply and stay at home; put men in who will look after the timber in the interests of the State, and not merely look for their own pocket and stay at home; put competent men in who will attend to their business.

Q. Do you think such men can be found? A. I think some could be found; instead of attending to their own private affairs they would keep watch, and have men to inform them.

Q. Do you think the salary is sufficient to secure competent men? A. I don't think it is quite enough; a man wants to be paid for his services, and then he wants to attend to his business.

Q. Do you think the number of foresters should be increased, or do you think the present number is ample to protect the forests? A. I do not think there is enough in Essex county; there should be one in the northern part and one in the southern.

Q. Do you think two in Essex county would be ample for its proper protection? A. Yes, two would be sufficient, one in the northern part and one in the southern part; the one forester through this section; you take it through North Hudson and around by the Boreas river and Newcomb and across the North river is about as much as one should do, and the other one from North Hudson north and through Keene valley.

Q. Have you knowledge of other portions of the forest preserve? A. No, sir; I know this county pretty well; I think the Forest Commission or the State ought to have two foresters in this county.

Q. Do you think the penalties for trespass under the existing law are adequate against trespassers? A. Twenty-five dollars a tree, I should think, would be enough if it was enforced.

Q. Have you ever known of the enforcement of that penalty? A. Never.

Q. And you have known of many trespasses upon State lands? A. I have seen where timber has been cut on State lands, but I have never known of the penalty being enforced.

Q. You have also known of settlements having been made at various times for trespass on State lands? A. Not to my own knowledge; I have heard it said by others that Mr. So-and-so paid so much and another man paid so much; that is all I know about the settlements.

By Mr. TEN EYCK:

Q. Mr. Morse, in August, 1894,—the 24th or latter part of August, 1894—I understand you made an affidavit for Mr. Durfee and swore to the same before Michael Lynch, Justice of the Peace of the town of Minerva? A. Mr. Durfee drew up an affidavit; I looked it over partially to see that it was pretty near correct, but I took more particular notice of the amount of trees put in the affidavit than I did in the wording exactly; I made such an affidavit for Mr. Durfee and swore to it before Michael Lynch.

Q. And did you read the same before you signed it? A. I looked it over.

Q. Or did he read it to you? A. He read it to me and I looked over a part of it very carefully.

Q. Did you make this statement to Mr. Durfee at the time he drew the affidavit: "On the fifteen (15) acre lot of State land the spruce was cut during the winter of 1892-93, by order of one Henry Bradley, of Olmsteadville, N. Y., who owned lands adjoining, and the said Henry Bradley directed a survey to be made by this deponent (meaning you) that would include the said fifteen acres of State land; this deponent found that the line as wanted, or asked for by the said Henry Bradley, had been run; he so reported the same to the said Henry Bradley; that said Henry Bradley, after that report and survey of 1892, caused the timber of the said fifteen acres to be cut and the logs to be removed?" A. That is hearsay.

Q. Did you make that direct statement—not hearsay—but direct statement to Mr. Durfee at the time he wrote this affidavit? A. Henry Bradley requested me to go—

Q. Did you make that statement I have read to you to Mr. Durfee? A. I do not think he worded it exactly as I made it, but the substance is about the same, only I did not hear Mr. Bradley order anybody to do that work.

Q. Did you make that statement I have just read to you to Mr. Durfee at the time he wrote that affidavit down, or at any other time? A. I was trying to see whether I could word the statement I did make.

Q. I want to know if you made this statement to Mr. Durfee; you know whether you made that statement; if you made some other statement, then you did not make this one? A. I so understood it; that Mr. Bradley—

Q. Now, just answer my question? A. It is not in the language we made it; the substance is about the same, only it was in a little different way.

Q. Can't you answer that question whether you made this statement or not to Mr. Durfee? A. The affidavit reads a little different from what I made the statement.

Q. In what particular does it differ. A. That I so understood it.

Q. You did not tell him that you knew it as a positive fact? A. No, as I understood it.

Q. You say that Mr. Durfee read the affidavit to you? A. He read it over very hurriedly, and I looked over more particularly the amount of trees cut.

Q. Did Mr. Durfee read that statement to you from the affidavit from which he read, and which you signed, which I have just read? A. He read the affidavit to me.

Q. Did what he read contain the statement that I have just read to you? A. As I said before it is not worded in the affidavit just as I stated to him.

Q. What did Mr. Durfee tell you he wanted the affidavit for? A. To show the amount of logs cut.

Q. Is that all? A. That is what he wanted to know of me; he wanted to know of me the logs and the amount of logs cut, but I did not so understand that he wanted an affidavit that Henry Bradley wanted them cut.

Q. Did he tell you who he represented? A. He said that he was sent up there as a special agent for the Comptroller; I wouldn't say he told me that, but I so understand that he was sent up by the Comptroller.

Q. Did he tell you he represented the New York Herald? A. No.

Q. You have testified that you went in company with Mr. Mitchell and Mr. Powers on lots 102, 103 and 90? A. I was at the corner of 90.

Q. Who requested you to go there? A. Thomas Powers.

Q. Did he tell you for what purpose he wanted you to go there? A. Yes.

Q. What did he say? A. He said he wanted me to go and show him the lines and subdivisions on 102; he said Joseph Mitchell was going up with him.

Q. Did he say that he thought Joseph Mitchell had committed a trespass up there and he wanted to see whether he had or not? A. I don't remember of his having said anything about his having thought Joseph Mitchell had committed a trespass there.

Q. What did he say? A. He said Joseph Mitchell was going up there with him to show him what logs had been cut on State land; that would imply the same thing.

Q. So when you went up there you knew what you were going to locate? A. I was going to locate the State land so he could examine and see how many logs were cut on State land.

Q. While you were up there did you notice a trespass on 103? A. I think I saw a skidway on 103; I think I did.

Q. Did you measure 103? A. No.

Q. Why not? A. I was not requested to.

Q. How did you know that you saw a skidway on 103? A. I knew the location of the lot, but I don't think that the whole of the logs were cut on the part that the State owned; the State did not own the whole of 103; I found the line and I think that some of the logs were drawn over the line.

Q. How did you know that this skidway was on 103? A. I went in there and surveyed off either fifty or a hundred acres on the north part of 103 ten or fifteen years before I went there, and I knew right where the line was, and I went and picked the line out.

Q. Were there any marks there? A. The trees are marked so I could follow right along on the line.

Q. So there was no need of re-surveying that to tell the lines? A. No, sir.

Q. How do you know there was a trespass on 90? A. I was right at the corner.

Q. Were the marks there? A. I had located 90 previously.

Q. Were the lines marked distinctly? A. They were double marked.

Q. So there was no need of a survey on 90 to see which was State land, which was individual? A. No, sir.

Q. Did Joseph Mitchell while going there — he was in company with you and Mr. Powers — did he ride in the wagon with you? A. I can't tell you that; I went with Mr. Powers, but I don't remember whether he drove his own team; my impression is that he drove his own horse, but I won't be positive.

Q. While you were there did you hear Joseph Mitchell make a statement that Mr. Powers had given him the right to cut on any of the State lands of lots 102, 103 and 90? A. I did not; they did not talk about any privileges or anything of the kind.

Q. Did *you* hear that statement at any time? A. Not from Mr. Powers.

Q. Or from Mr. Mitchell? A. Well, I heard Mitchell this morning—I met him, and he said he knew what he was about when he was cutting that timber.

Q. But at that time he did not say anything? A. Not in my hearing.

Q. Did you ride back with Mr. Powers? A. Yes; I rode back with him.

Q. Was there any conversation about the trespass on those lots? A. I don't remember of any.

Q. Mr. Powers did not say anything to you about having to report this trespass to the Forest Commission? A. Well, I don't remember of his saying anything in particular about the trespass; it kind of strikes me that he said that Mitchell ought to have known better, but I don't give that as evidence, by the way.

Q. That is your impression, that he told you that? A. It is my impression, that he either said that, or he said he ought to have gone in sooner.

By the CHAIRMAN:

Q. That he himself ought to have gone in sooner? A. I am not clear about that.

By Mr. TEN EYCK:

Q. But he said one or the other; that Mitchell ought to have known better, or that he, himself, ought to have gone in sooner? A. It seems to me that he said that Mitchell ought to have known better.

Q. Who paid you for that survey? A. The Forest Commission.

Q. Now, can't you locate the date when you and Mr. Powers went up there? A. Not the exact date.

Q. Did Mr. Durfee say anything to you about a trespass having been committed on 102, 103 and 90? A. I don't remember of having any conversation with Mr. Durfee about these lots, and I don't remember of going on those lots with him either.

Q. Are those lots on the highway easily accessible? A. Not very near; the highway is, I should think, about a mile and a half from where the trespass was committed.

Q. So that persons riding along the highway would not be very apt to know a trespass was committed, even though the jobbers were working at the time? A. No, sir.

Q. You did not count the number of stumps? A. I did not count anything.

Q. Do you know whether Mr. Powers did at that time? A. He was away from me; I was on the lines.

Q. Didn't you know what he was doing? A. I couldn't see — the brush in the woods — they went around to the skidways.

Q. You say the Forest Commission paid you? A. Yes, sir.

Q. Didn't Mr Powers, when he hired you, tell you that you were going to do that for the Forest Commission? A. He employed me to do the work for the Forest Commission, and I sent in my bill and they paid it.

Q. Can't you tell, from the fact of going up there with Mr. Powers, whether you had seen Mr. Durfee prior to that time — you knew that Durfee had been up there about trespass upon State land? A. I knew that Mr. Durfee had been up there looking up State lands; I went with him one or two days only, I think.

Q. Now, couldn't you tell from that fact, and from the fact that Mr. Powers called you in to survey in reference to a trespass, whether you surveyed for Powers before you went with Mr. Durfee? A. I think I was on lot 118 before I went with Mr. Powers.

Q. You are not sure? A. I am not positive, but I think so.

Q. Is there any way to locate it? A. There is only one way to locate it, and that is to get the date of the bill I sent in.

Q. I understood you to say you never knew of penalties being enforced? A. I never knew of the \$25 penalty being enforced.

Q. You know of lesser? A. I don't know of my own knowledge, but I understood that one man paid 10 shillings.

Q. Do you know of any case where there has been a trespass upon State lands, and wherein Mr. Powers, or any other State official, had knowledge of such trespass, and he failed to enforce the penalty or prosecute the trespasser? A. All I know is upon hearsay.

Q. Do you know, of your own knowledge, of any case? A. No, I do not, because I never saw any money paid.

Q. Did you ever hear of a case? A. I have heard of a case.

Q. Name the case you have heard of? A. I think I heard of Callahan and Owens having to pay.

Q. But you never heard of any one that did not have to pay? A. No.

Q. Did you ever hear of Mr. Powers, or any other State official, giving anyone the right to go upon State lands and cut and remove the timber therefrom? A. I never heard Mr. Powers, Mr. Durfee, Mr. Dynch or Mr. Carpenter give anyone any liberty to get any timber upon State land; I never heard them.

By the CHAIRMAN :

Q. Did you ever hear of their giving any such permission to anyone? A. I have heard such talk, but not from anyone that you could rely on.

By Mr. TEN EYCK :

Q. You never heard such rumor from anyone you could rely upon? A. I have heard a good deal of talk about it, but I say from my own knowledge, and being with the parties, that I never heard of their giving any liberty to cut any timber on State land.

The CHAIRMAN.—That is all, Mr. Morse.

The committee then adjourned until to-morrow at 10 o'clock.

LELAND HOUSE, SCHROON LAKE,
FRIDAY MORNING, *August 16, 1895.* }

The committee met pursuant to adjournment, all the members of the committee present.

DANIEL LYNCH, being duly sworn and examined by Chairman WILDS, testified as follows :

Q. What is your age, residence and business? A. Age 60 years old yesterday; business, surveyor; residence, town of Minerva, Essex county, New York.

Q. How long have you resided there? A. Most of the time since the year 1840.

Q. How long have you been engaged in the business of surveyor? A. Well, considerably for about 25 or 26 years; not all the time; but that and other business, just as it happened.

Q. What county, town or State offices have you held at any time? A. I have never held or run for an elective office.

Q. Have you ever been appointed to public office? A. I have been appointed under the Forest Commission, first as special agent; I held that perhaps for six months; that was in the spring of 1886—well, I could not say for how long I held it; I worked for some six or seven months and then I stopped; then I was appointed inspector in August, 1888, and held that until I was dismissed the first of February, 1889; those are the only offices I have ever held; I have done some work for the Comptroller, but no special appointment.

Q. In the course of your business as surveyor, over what part of the country have you acquired a knowledge thereof? A. I have surveyed

in Newcomb, Minerva, Long Lake, Indian Lake and some around Johnsburgh—in that section of the Adirondacks.

Q. Does the map, which I now show you, indicate the territory covered by your knowledge thereof, and, if so, will you state what township and within what patents the same are contained? A. I have not surveyed any outside of the Totten and Crossfield purchase; (witness refers to map) the survey in that are included in township 14, 16, 26, I think 25, (that is the township I live in) and 27 and 30; then I run out township 32 and 7 Indian Lake country and in Long Lake country 21, 22 and 50; that is all I recollect.

Q. Have you knowledge or information of the location of the State lands within the towns of the Totten and Crossfield purchase to which you have thus referred? A. I have quite a good general knowledge; I have the maps and the lists that have been given by the Comptroller of the State lands, and have a general knowledge of their location.

Q. Have you any other sources of information, as to the location of the State lands? A. I have not; I have that map; that is not entirely accurate, but I have generally, where I wanted to be accurate, got a map directly from the Comptroller's office showing directly where the State lands are.

By Mr. ELDRIDGE:

Q. Do you understand that the Comptroller has a map that is more accurate than this map of the State lands? A. No; as I understand it they have a record which shows correctly where the State lands are; for instance, I have a correct map of the 26th township; in that way they avoid blunders; I do not know that the Comptroller has any more general map than that.

By the CHAIRMAN:

Q. Do you understand that the Comptroller is accustomed to furnish anyone, on application, a list of the State lands and a map or survey thereof? A. I do not; my knowledge of this is simply this, that whenever I have asked for it they have sent it to me; whenever I have asked for the list or information as to whether such a lot was State or not, or a plot, they have sent it to me.

Q. Have you known of the Comptroller having furnished to any other person a list of State lands, or map or plot of parts thereof? A. My impression is that I have, but I would not say so distinctly.

By Mr NILES:

Q. Would the Comptroller, or State authorities, furnish to any individual a statement of the State's ownership in any particular lot or tract, on request? A. I can not say except in my own experience.

By the CHAIRMAN:

Q. Well, they have always done so upon your request, have they not? A. Yes, they always, whenever I asked, whether information in regard to a certain lot, or a plot, they have always sent it.

Q. And any information as to State and private ownership they have always furnished on request? A. Yes, sir.

Q. Are you engaged upon any work or survey at this time outside of the townships of the Totten and Crossfield purchase? A. No, sir; I have been on some townships this summer that I have not mentioned; I merely mentioned my former surveys, not the present work under Mr. Colvin.

Q. In the course of your business, as a surveyor, have you discovered evidences of trespasses upon State lands? A. I have, quite extensively.

Q. What discoveries of such trespasses have been made by you during the year 1895? A. Well, on several lots as indicated by my report to the Comptroller, in township 26 on lot 118; this strip in the middle of 117, I did not know was State land when I was there, so I did not report it.

Q. Is the whole of lot 117, of township 26, the property of the State? A. It is now, I believe, as I understand it.

Q. How long since the middle strip? A. Since the land sale it went to the State; I did not know that last fall; still I saw timber cut on it and supposed it all right and did not mention it; on the 15-acre square of lot 118 the timber was all cut over it; some, but I could not say how much on 119; I simply saw from the line; 102 and 103 were comparatively petty trespasses; on the south part of township 27, Thorn's survey, it is solid State land there; I found probably a thousand acres cut over; this is merely an estimate; but I believe about five thousand markets.

Q. Embraced in lots numbers? A. In township 26 on lots 2 and 3; in township 37, Thorne survey, lots 32, 42, 52, 53, 62, 63, 64.

Q. Did you determine, from the appearance of the stumps, about what period that timber had been cut? A. I could tell you if it was the previous year; I could not tell about this, but I got it from the men.

Q. From whom did you get your information as to who did the cutting of timber on that thousand acres of State land? A. Well, one of the witnesses was young Charles Farr, Jr.; the others, I know them, but I can't bring the names to mind, but their affidavits are there.

Q. Wasn't it Almon O. Farr? A. Yes, sir; of Newcomb; I can't recollect the other names; there is another man, and it seems to me that his name is Floyd Parker; that is all I can recollect at present.

Q. What information did they give you? A. Well, Parker had worked on the jobs; that is all I can remember now; this other man, Farr, I could not say whether he worked on the job, but he lived right there, and knows all the circumstances when it was done.

Q. Did he mention who was doing the work? A. Yes, sir; he did.

Q. Whom did he say? A. He claimed that it was a certain Lindsey—Hugh Lindsey and Parker's statement was that he had worked for Lindsey.

Q. When did he say this cutting had been done? A. Within the last three years; that is, the winter of '91-'92, '92-'93 and '93-'94.

Q. Did he give you information as to the circumstances of his entry upon that land? A. Well, nothing more than that he went to work for Lindsey, the same as he would for any other man.

Q. Did he know that it was State land or not? A. I could not say as to that.

Q. Did you have any communication with Hugh Lindsay in reference to that matter? A. I did; he admitted that he did this work for Moynehan.

Q. Pat Moynehan? A. I don't think he said "Pat," but I think he said "Moynehan;" that is the extent of his admission.

Q. Did he tell you what contract he had with Moynehan? A. Nothing further than that.

Q. How many men did Hugh Lindsay have to work for him on that job? A. I know nothing of it, because I know nothing of it, except hearsay, when it was all done.

Q. Within whose territory as forester was that tract located? A. Well, I don't know as I could say; I don't know anything about how the Forest Commission territory was apportioned out.

Q. Is that territory within Essex county? A. Yes, sir; within Essex county.

Q. Is that a continuing trespass; that is, is the cutting of timber there now being done? A. The result of my work appeared to show that it was up to last fall; this very work that I speak of was continued for three successive winters on this tract.

Q. Do you know of the cutting and hauling of timber from that thousand acres having ceased? A. I do not; no, I do not; the last time I was there was, it seems to me, in November, 1894; there was no cutting or indication of cutting then; further than that I can't say.

Q. Do you know of any investigation having been made, as to the continuance of cutting or hauling of timber from those State lots during the year 1895? A. I do not.

Q. Do you know of any prosecution for the trespass which you discovered to have been made? A. I do not; no, sir.

Q. Have you stated all that you ascertained in reference to that trespass? A. All I can recollect now.

Q. Your estimate is that fully 5,000 markets were cut? A. That is my estimate, but my figures in my report to the Comptroller shows 4,500; that is a conservative estimate.

Q. How many trees did you discover to be cut from that thousand acres? A. Well, on an average it will take five pieces to a market log; the average is about two trees and a half to a market log; that will be about 12,000 trees, as a rough estimate.

Q. Is that as correct an estimate as you can make of the number of trees that appear to have been cut? A. It is; that is not only my own estimate, but I got the same estimate from some other men there—five pieces to a market log.

Q. Of what growth of timber? A. Second growth.

Q. Of what character? A. Practically spruce, some balsam, but practically spruce in that place; it was cut down to six-inch logs in some cases for pulp timber, making great destruction.

Q. Was that timber cut from the thousand acres you refer to removed from the lots? A. All, I guess, except some hundred or possibly two or more hundred pieces that were never piled, on the southerly part of the mountain of lot 64, I think; they are probably there yet, but as far as I went all that had been piled had been drawn, as far as I saw.

Q. When did you first have information of the trespass there made upon State lands? A. I could not say; it seemed to be a matter of common knowledge through the country that that cutting had been going on; when I first heard of it I could not say; it was a matter of common knowledge that that timber had been cut for some years, but I could not state.

Q. Will you state when you believe it to have first become a matter of common knowledge that a trespass on State lands was there being committed? A. Well, I should say that it was two years previous to

the time that the Comptroller sent me on; that is my impression; it might have been a little more or a little less.

Q. Then you would fix the time at about 1892? A. Ninety-two or '93; I feel as if I knew of it as long as that; I knew only what the others knew; I had no private information of it.

Q. Do you know of information of the trespass upon these 1,000 acres having come to the knowledge of Thomas Powers, forester? A. I do not.

Q. What State officials within this territory are charged with the guardianship of the State's interests therein? A. Whilst I was inspector that was within my territory; when I was dismissed a certain John H. Burke was appointed in my place; I would naturally think that his territory embraced the same as mine as inspector.

Q. Did he continue as inspector during the period of the time of this trespass? A. He did—well, I was too fast about that; he continued until the commission was legislated out of office; I think he continued up to last winter, but certainly up to two years of last winter, when the first commission was legislated out; I think he was in office until last winter; he certainly was in office during a couple of years of this trespass.

Q. What knowledge or information have you of information of this trespass having come to him? A. I have none.

Q. In what section of the country was common knowledge of this trespass found? A. It was talked of in Minerva, and I understood it in Newcomb, just as any other matters going on; there seemed to be a general understanding.

Q. Every man in the town? A. As far as I know.

Q. Knew of what was going on on that thousand acres? A. It seemed to be a matter of public knowledge as far as my information is.

Q. What knowledge or information have you as to any prosecution for this trespass having been made at any time? A. I have none whatever.

Q. Do you know of any alleged settlement having been made with Hugh Lindsay, or with Moynehan, or with any other person for that trespass? A. Except that I saw on the records of the State treasury; I saw two of those last mentioned as settled, if my recollection is right, for \$28.25; I omitted to state that lot 41 of the lots in Thorn's survey, township 27, which should have been embraced in my statement of the Lindsay trespass, and I found by reference to the Comptroller's report that the trespass on lot 41 of Thorn's survey and 6 of Richard's survey of township 27 had been settled for \$28.25; further than that I found on the records of the State treasury, a further pay-

ment of \$100 for this same Lindsay cutting; that was paid in, I think, last December to the State treasury by the Forest Commission.

Q. Do you know whether any settlement for that trespass was made by or through Thomas Powers? A. I do not.

Q. Or by or through John H. Burke? A. I do not.

Q. Who is the present inspector of the district embracing that territory? A. Well, I could not say whether there is an office of inspector; the officer in charge now must be Robert Bibby; he is the present forester; I could not say whether his territory embraced Newcomb, but he is the nearest I think of; he is forester for Minerva certainly, but whether he is any further or not I do not know.

Q. When did you first communicate to any State authority information of the trespass upon this thousand acres? A. My first was in answer to a communication from the Comptroller, received, I think, early in July, 1894, requesting me to look up certain State lands in township 25 and 26 and report to him upon the probable value, amount of timber, probable value of such timber, the present condition of the timber on those lots, and asked me if I could do it; I told him I could; he asked me, in my opinion, how long it would take me to make a report on the matters he mentioned; I told him I thought I could in a week; I did so and reported to him on the present condition of those lots — that is, the timber had been removed; it was some time in July, 1894; I suppose as a result of that Mr. Durfee was sent up and made an investigation.

Q. I repeat my question: When did you first communicate to any State authority the information of the trespass upon the thousand acres of Thorn's survey of the 27th township? A. I could not set a date to that, but it was in October; I could not set the date from memory; It was in October, 1894 — probably not far from the middle of October.

By Mr. NILES:

Q. You say you received word from the Comptroller early in July, and you stated to him that you could make your report in a week? A. I think I have got that a little wrong; I think he said four or five days.

Q. How is it you did not make your report until October? A. That was on other lots.

By the CHAIRMAN:

Q. I am confining myself to the thousand acres, and wish to confine you to the thousand acres of Thorn's survey of township 27? A.

Oh — then I am all wrong; I understood you as to the first trespass; my answer is, the middle of October in regard to the trespass on township 27.

By Mr. NILES:

Q. The question of the Chairman is, when you first communicated to the State Comptroller this trespass upon the 27th township? A. My impression is that it was about the middle of October.

By Mr. TEN EYCK:

Q. Then when you stated it was in the middle of July it was not correct? A. That was in reference to townships 25 and 26.

By the CHAIRMAN:

Q. Have you stated all the information that has come to you in reference to the trespass on the State lands of Thorn's survey in township 27? A. I think so, except this; these men told me, I think, who had the logs, who bought the logs, but I can't swear to that positively from memory; that is all I can say in regard to that.

Q. I would like to have your best recollection on that? A. My recollection is that it was George Freeman, of Troy.

Q. Do you understand that he got the timber from Moynahan? A. That he bought it from Moynahan; I think that my information was that James Warren measured the logs; James Warren is Freeman's agent, I think; James Warren resides in Glens Falls.

Q. What further information, if any, have you received from any source in reference to the trespass on the State lands of Thorn's survey of township 27? A. I think that is all.

Q. What further information have you from any source in reference to any alleged settlement for that trespass? A. Nothing more than I said; the payment of the \$28.25 and the \$100.

By Mr. NILES:

Q. Do you regard that as an adequate settlement for that trespass? A. If I am called upon to give an opinion, and opinion is not evidence, but I would like to buy timber at that rate.

Q. It was a very inadequate settlement for that trespass? A. Extremely so; that is really my opinion; maybe it was not worth it.

Q. Do you know how long the thousand acres in Thorn's survey has been State land? A. It was State land, almost all, if not all, as far back as 1886.

By the CHAIRMAN :

Q. What other trespasses upon State lands any where located did you discover or have information of during the year 1895? A. Well, the largest single trespass was in township 11 in the town of Johnsburch on the Sacandaga river on lots 15, 16, 17, 18, 32 and 34.

Q. This thousand-acre tract is not near the Boreas river? A. No, it is on the North river.

Q. When did you first discover or have information of the trespass on State lands known as lots 15, 16, 17, 18, 32 and 34 of township 11 of the Totten & Crossfield purchase? A. Well, it was in November or 1894, to the best of my recollection; probably early in November.

Q. What information have you as to the person or persons by whom that trespass was made and as to the number of markets cut and removed from that land? A. Well, I proceeded there to locate it; not having surveyed any in that place I employed Nathan Davis and his son Alonzo to locate the lines on that township; we employed some men to work; Jesse Wells, and I think George E. Cooper, who had done a job there; from these jobbers and their statements, I judge that the amount cut was about 7,000 market logs.

Q. How many acres were cut over? A. Well, it was cut in and out probably about 1,400 acres.

Q. In the report that you made to the Comptroller it appears that you stated about 1,500 acres? A. Well, that must have been it; I intended to make it conservative; that was made when it was fresh in my mind; in all cases where I could obtain amounts I avoided making an estimate.

Q. What knowledge or information have you as to the time when that trespass was committed? A. I ascertained from these men that had been cutting in the two preceding winters, '92-93 and '93-94.

Q. For whom? A. They did the job for John J. Wakely; they did the work some of it and sublet it; at any rate he was the manager.

Q. Now the keeper of Hunters' Lodge, Fulton Chain? A. Yes, sir.

Q. What knowledge or information have you as to the disposition made of the timber taken from those lots? A. Well, I could not say that now; I did know it, but I can't tell it now; perhaps it is in my report, but I can't say.

Q. What knowledge or information have you as to any prosecution for that trespass? A. Not any prosecution.

Q. What knowledge or information have you as to any settlement or alleged settlement, made for that trespass? A. My recollection is that I saw a minute on the books of the State Treasurer that \$50 had been paid in for this trespass.

Q. Did it appear with whom the settlement was made? A. No, sir; I don't think it did.

Q. Have you stated all your information, or knowledge, in reference to the trespass discovered to have been committed on lots 15, 16, 17, 18, 32 and 34 of township 11, Totten and Crossfield purchase? A. I think I have; I don't think of anything material further.

Q. What other trespass have you discovered during the year 1895 to have been made upon State lands? A. In this same 27th township, Richard's survey, north part, lots 6 and 7, quite a large trespass upon the southerly part of those two lots, but as to the amounts I could not say without reference to my notes; by reference to my notes I find that on 7 there were 2,100 market logs; acres cut, over 200; and on 41 and 6, 400 market logs; 140 acres, but I can't say now what proportion is on each lot; then on Thorn's survey of township 27, lot 26, 1,600 markets; 160 acres, lot 75, township 14, 354 market logs, 50 acres; township 16, lot 13, 20 acres, 30 market logs; lots 21 and 22, 400 acres, 1,500 markets, probably 5,166 pieces; lot 20, 30 acres, 300 markets, 276 green cedar trees, mostly large; township 17, gospel and school lot, 200 acres supposed to be cut, 1,500 market logs; that is what the jobber admitted to me; township 21, lot 112, 150 acres, 1,000 market logs; township 25, lot 71, 30 acres, probably 250 pieces; the market logs is an estimate, but the pieces are a count; township 26, lot 90, 10 acres, 50 market logs; lots 102 and 103, 136 acres, 324 markets; lot 117, 56 acres, 900 market logs, the jobber says; I think that is excessive; lot 118, 70 acres, 600 markets; lots 28 and 29, some trespass, apparently large; amount not determined; I simply went along the line and saw it; township 29, Russell tract, 352 and 500 acre lots, 852 acres, 5,000 market logs; gore south of township 11, lots 1 and 2, 170 acres, 1,300 market logs; gore south of township 31, lot 10, 80 acres, 800 market logs; township 32, gospel and school lots, 800 acres, 300 market logs; township 50, lots 97, 98 and 99, 313 acres, 4,000 market logs.

Q. Were all the trespasses, to which you have just referred, discovered by you during the year 1895? A. I obtained knowledge of them during that year, except as I have said that I have heard rumors of some others before.

Q. This is the year we are now living in, 1895? A. I am wrong, it was the latter part of 1894, and the year 1895 I obtained definite knowledge.

Q. What knowledge or information have you as to the persons by whom the trespass was made on township 14, lot 75 and as to any prosecution therefor or settlement thereof? A. From the statement

of the man that cut the logs John Bennett, that he sold the logs to James Eldridge and that James Eldridge held back a certain stumpage to be paid the State for those logs; James Eldridge told me that he had paid this stumpage, I think, the 10th, of April, 1894.

Q. What knowledge or information have you as to the person by whom trespass was made on township 16, lot 13, to which you have referred, and as to any prosecution therefor or settlement thereof? A. I do not know who cut the logs or anything more about it.

Q. What knowledge or information have you as to the person by whom the trespass was made on township 16, lots 21 and 22, to which you have referred and as to any prosecution therefor or settlement thereof? A. My understanding was that this timber was cut by two men, Callahan and Owens; in fact, I saw those men on this ground; I did not see them cutting any logs, but I saw them on the ground and they did not deny cutting them.

Q. Did you inquire of them as to their having cut the timber from those lots? A. I did not; I was then with Mr. Durfee.

Q. What occurred in your presence? A. I had nothing to say, except that they did not deny cutting those logs.

Q. What occurred? A. Let me see — we went there and saw these men and they admitted cutting this timber and said they had got their title from a certain Edward P. M. Lynch, who claimed to own title to one-half of the timber on lot 21, of which half is owned by the State; that they had bought or acquired their title from him and had gone on cutting the timber.

Q. What else transpired? A. They made to Mr. Durfee a written statement of their case and signed it, and how they came to be there; this has reference to lot 21.

Q. Now as to any prosecution or settlement thereof? A. I know nothing more.

Q. What knowledge or information have you as to the person by whom trespass was made on township 16, lot 20, to which you have referred, and as to any prosecution therefor or settlement thereof? A. Certain parties — I can't say now who — told me and Mr. Durfee that William H. Baker of North Creek cut this timber; we went to Mr. Baker and he admitted it to me; he said like this: He had bought this timber of the Forest Commission or its representatives and that his contract was not yet expired; that he had more timber to cut under that contract.

Q. Have you stated all that he told you in reference to that matter? A. I think so; yes, sir; that is all.

Q. Have you stated all your knowledge or information in reference to that trespass? A. That is all; he having admitted having the timber to cut and did.

Q. What knowledge or information have you in reference to any prosecution for that trespass or settlement thereof? A. He claimed to have bought the timber and that is all there is of it; excuse me a moment; he said he could not remember, but he had bought it for 25 or 30 cents a market log; he could not remember which, but he had bought it at that price.

Q. From whom? A. From the representatives or agents of the Forest Commission.

Q. Did he mention Thomas Powers' name in that connection? A. He did; he did not mention his name alone, but he said there were others higher than Powers there when he made the bargain.

Q. Did he mention any other names than that of Thomas Powers? A. I don't recall that he mentioned the names.

Q. Any other name? A. I don't think he did; but that was the way he said it, that there were others and higher officials than Powers present when he made the bargain.

Q. Did he state where the bargain was made? A. I think not.

Q. Did he state when it was made? A. I don't think he did; but my understanding was that he made this bargain before he went on the ground.

Q. What knowledge or information have you as to the payment by him for the timber which he took from that State land under and pursuant to his alleged contract therefor? A. He told me that he immediately or soon after gave credit on his books for the amount of this timber to Thomas Powers.

Q. Personally? A. Personally — well, as soon as he knew, he gave credit to Thomas Powers on his books and that then he considered it paid.

Q. What amount did he state that he had given Thomas Powers credit for? A. He did not state any amount to me.

Q. What investigation, if any, did you make as to the number of acres cut over and the number of pieces cut, trees cut, from that lot? A. The number of acres was an estimate; the number of trees was by actual count; we counted them carefully.

Q. What information have you, if any, from Mr. Baker, as to the number of markets for which he settled with Thomas Powers? A. I have none.

Q. What information, if any, have you as to the time of the alleged settlement therefor with Thomas Powers? A. Simply that statement;

he said, immediately, it could not have been immediately upon making the bargain, because he could not tell; it must have been after the timber was cut; he said he immediately gave Mr. Powers credit upon his books for the amount.

Q. What information have you as to the time when this trespass was committed? A. It was in the winter of 1893-4.

Q. That you know by examination of the stumps? A. The tops were still green, and the information we get was to the same effect as to the time.

Q. The information that Mr. Baker gave you? A. Yes, sir, as to the time.

Q. What information have you that trespass was committed on township 17. Gospel and School lot, to which you have referred and as to any prosecution therefor or settlement thereof? A. A man by the name of Joel Brooks, I think it is, gave the information that he cut this timber for T. D. Depan.

Q. Joel Brooks of Indian Lake? A. Yes, sir, that is it—that he cut the timber; I did not go on the lot, but simply took his statement.

Q. And as to the acres cut over? A. I can't say whether that was my estimate of the probable amount of his statement; I don't recall of his having made any statement of the acres, but I see there is an estimate there, and I can't say now as to that.

Q. What knowledge have you as to the circumstances of that trespass and time thereof? A. I can't say any more now; my impression is that it was the winter before, but I can't say even that.

Q. You mean the winter of 1893-4? A. Yes, sir; that is my impression, but I can't say that positively.

Q. What explanation, if any, was made to you by Joel Brooks, or by any other person for that trespass? A. There was none whatever by Joel Brooks except that he did the job for De Pan; De Pan came to me and he appeared to be considerably worked up about it and he said there should not have been anything known about it because the fire ran over that ground the next year and if he hadn't taken the timber off it would have been burned any way.

Q. When did you get this statement from De Pan? A. Probably in January or February.

Q. Is it your opinion that that tract was burned over in the summer of 1893-4? A. Eighteen hundred and ninety-four, as I understood it; that is all I know about it, what I got from him and Brooks.

Q. What knowledge or information have you of the circumstances of that fire? A. None whatever.

Q. Have you any knowledge or reason to believe that that tract was set afire to obliterate the traces of the trespass? A. I have no knowledge of it.

Q. Have you reason to believe that that was the case? A. No especial reason; no more than that such things have been done, but no special reason in that case.

Q. Do you know of any other tract mentioned by you upon which trespass appeared to have been committed upon State lands which appear to have been burned over subsequent to such trespass? Well, I could not say directly that I do; it has very frequently occurred that land was burned over immediately or the summer after the cutting it; looks suspicious.

Q. Have you any knowledge or information as to any intentional burning of any tract with a view of obliterating the trace of trespass upon State lands? A. I have not.

Q. Have you any knowledge or information of any intentional setting afire to the woods by any person at any time? A. I have known of fires that must have been set intentionally but have never known of who set it; they must have been set intentionally.

Q. What knowledge or information have you as to the trespass you have referred to as made on township 21, lot 112 and as to any prosecution therefor or settlement thereof? A. My whole and only knowledge of that is from the jobbers and men who did the work, from their statements.

Q. Give me the particulars of the information you thus derived? A. Well, now let me see—There were three different men cut on that lot; perhaps I can remember all of their names; one was Warren W. Cole, of Long Lake; another was William S. Cross, of North Creek; the third one was Archie T. French, of Long Lake.

Q. Give the particulars in reference to this trespass? A. I can't remember the particulars now; it is all on the record; in my work it is my habit to make a record of the day.

Q. Have you any knowledge of any prosecution or settlement for that trespass? A. I know of none.

Q. Or information? A. None whatever—well, yes; that is, settlement; Warren Cole said the agent, or forester, Thomas Powers came to him about cutting timber on this very lot, and asked him how he came to cut this timber on this State lot and he told him he had cut it for E. Butler of Long Lake who is a brother-in-law of Thomas Powers.

Q. What knowledge or information have you as to the time when that trespass was made? A. Well, my recollection is that it was during the three years preceding last winter; that is, '91-92, '92-93,

and '93-94; I think Cole was the first of the three persons to cut; that is my recollection.

Q. You understand that the three persons whom you have named as having cut timber upon that lot, entered upon the same separately?

A. Yes, sir, at different times; my recollection is that the next year this man French, bought some pine for shingles, and that the next year Cross finished it up.

Q. What winter was Cross there? A. Ninety-three and '94 I think.

Q. From whom did you derive information as to the number of markets taken from these lots? A. From these same men; I did not go upon the lot.

Q. Have you any knowledge or information as to any settlement having been made for that trespass? A. I don't recollect of any.

Q. What knowledge or information have you as to the terms under which those three men entered on that lot? A. My recollection is that the first two, Cole and French, bought of Butler.

Q. What did they buy? A. The timber, and then went on and cut it; I could not say whether by the lump, but they bought the timber, and the third one, Cross, finished it up by contract for Butler; there is one more thing—Butler came to me and said he had sold the timber on another lot; that he had sold them timber on another lot—and that when they got on the State lot they laid it to him.

Q. Can you by reference to the map, identify the lot, the timber on which was sold by E. Butler to Cole & French, or lumbered by them, or either of them, under his authority? A. (Referring to map.) Lot 112, township 21, Long Lake, Hamilton county, N. Y.

Q. And the lot on which Butler claimed to have sold the timber was what? A. I don't recollect that he told me; but I think he said 111; but that he did not sell them any timber on 112, as they claimed he did.

The committee then took a recess until 2 p. m.

At 2 p. m the committee resumed its session, all the members being present.

Examination of DANIEL LYNCH continued by Chairman WILDS:

Q. What knowledge or information have you, of the location that was made of the property on which that sale or sales of timber was made, by E. Butler? A. I have none; I simply took this from the men themselves.

Q. Do you know of any writing that passed between Butler and these men in reference to that timber? A. My recollection is that they denied having any writing from Butler; that is my recollection.

Q. What knowledge or information have you as to the persons by whom trespass was made upon township 25, lot 71, to which you have referred? A. I have none; simply saw that the timber had been cut; I simply saw the logs piled on the bank of the river on this same lot.

Q. The river runs through the lot? A. Yes, sir; I saw the logs piled and counted them.

Q. What knowledge or information have you as to the time when that trespass was committed? A. Well, I should say from the appearance of everything that those logs were cut in the early summer of 1894; their appearance indicated that; they were quite fresh.

Q. Have you any knowledge of any prosecution or settlement for that trespass? A. No, sir.

Q. What knowledge or information have you as to the persons by whom trespass was committed on township 26, lot 90, to which you have referred? A. Only from the statements of Mr. Mitchell and Joseph Lahey admitting that they cut it; Mitchell admitted cutting those on 90.

Q. Joseph H. Mitchell? A. Yes, sir; Lahey worked for Mitchell on a job embracing several lots.

Q. What did the job embrace? A. Ninety, 102 and 103 was all practically one cut.

Q. And the same were State lands? A. Yes, that part of 102 and 103 where they cut; 90 was all State.

Q. When was the trespass made on these lots 90, 102 and 103, of township 26, to which you refer? A. Well, this trespass of Mitchell's was in the winter of 1893-4, but there had been previous cutting, I think, by or for Patrick Dougherty; I have no personal knowledge, but that was the understanding — by him or for him.

Q. How did you derive your information as to the quantity of market logs cut from those lots? A. Well, that is Mitchell's own statement; I did not count any stumps upon them; I think that is Mitchell's own statement.

Q. What knowledge have you as to any prosecution for that trespass or settlement therefor? A. Not any.

Q. What knowledge or information have you as to the persons who committed trespass on township 26, lot 117? A. A certain Robert Dougherty, nephew of the man you had here, admitted that he had

committed a trespass on lot 117, township 26, 900 market logs; he gave me that number; there was some one in partnership with him; it was Owens or Callahan, or some of them.

Q. When was that timber cut from that lot? A. That was cut a year ago last winter, '93-94.

Q. Have you any knowledge or information of any prosecution for that trespass or settlement thereof? A. Not any.

Q. What knowledge or information have you as to the trespass committed on lot 118, township 26? A. Well, the admission of Callahan and Owens that they cut it.

Q. But you know that the land from which they cut the timber was State land? A. Yes, sir; I know that it was State lands; they understood it to be lot 118; they understood it to be that lot.

Q. And State lands? A. Yes, sir; I think so.

Q. They admitted that fact to you? A. They admitted it to Mr. Durfee, in my hearing, that they had cut timber on 118.

Q. State lands on 118? A. I would not be certain that they admitted that they knew it was State lands.

Q. When was that timber cut? A. Well, it was on this 118 two successive winters, 1892-3, 1893-4.

Q. And the timber cut from there amounts to? A. Well, I made an estimate — it seems to me 600 market logs — well, come to think now, we counted the stumps, Mr. Durfee, Mr. Morse and myself, and it is in his report; I can't give the numbers now.

Q. Having counted the stumps, how many pieces to the market did you make? A. There is my estimate, but whether I made it from that count of stumps I can't say, but the report will show the exact number of trees.

Q. You estimated 600 market logs to have been taken from lot 118? A. Yes, sir; but I can't say whether I made that estimate from general views of it or our count; our count would be more accurate.

Q. What knowledge or information have you as to the trespass that was committed on lots 28 and 29, township 26? A. I have no knowledge; I simply saw the logs.

Q. What knowledge or information have you of prosecution for this trespass or settlement for the same? A. Not any.

Q. What knowledge or information have you as to the persons by whom this trespass was committed on township 27, lot 36, to which you have referred? A. Well, lot 36 — I am inclined to think that there were several parties cut there; it might have been a certain John Griffin who was one man that cut there; whether he cut lot 36 I can't say; then there was a certain Joseph Houghton, Jr., cut there for

another party; it was probably one of them, but which one I can't say; that was rather old — perhaps two or three years past.

Q. Have you any knowledge or information of any prosecution for that trespass or any settlement of the same? A. I never heard anything of it.

Q. What knowledge or information have you as to the persons by whom trespass was committed on township 27, lot 6, to which you have referred? A. Yes, the man that cut the logs told me and gave me the affidavit, and I am trying to think of his name —

Q. Perhaps from the list of names I now show you, you may be able to identify the name? A. I know the name but it has slipped my mind (witness refers to list of names handed him by the chairman); a certain George Miner, of Newcomb, is the man; he lives right there on land adjoining those lots and cut the timber.

Q. And the time? A. 1893-4 and the winter preceding, I think.

Q. Have you any knowledge of his trespass also on lot 41 of township 27? A. Not all Miner's; the only knowledge I have is of Hugh Lindsay's; that would go in with the thousand-acre lot.

Q. What knowledge or information have you of any trespass upon lot 6 of Richard's survey of township 27? A. Well, this was counted in lot 41 and settled in that \$28.25.

Q. Did you have any information from George Miner in regard to any alleged settlement for that trespass? A. I think not from Mr. Miner; I think I got that from the commission's report.

Q. What knowledge or information have you of any trespass upon lots 6 and 7? A. The same lots, 6 and 7, were Miner's.

Q. When did that trespass occur? A. About the same time, a year ago and two years ago; possibly some the year before; but that is my recollection.

Q. What is your source of information as to the quantity of timber taken from lots 6 and 7, township 27? A. Mr. Miner himself.

Q. What admission, if any, was made to you by George Miner as to his knowledge of trespass upon those State lots? A. I don't remember anything but that this job was let to him by a certain Charles H. Bissell or Charles Bissell, Jr., for Moynehan, and that Moynehan said that any bargain he made with Bissell he would stand by it; perhaps I have got that mixed up; it is another lot down in the township further; no, I must take that all back; I got confused on that; I can't say; at any rate, any work he did on that, he took for Moynehan, and Moynehan paid him for the work; Bissell was mixed up with Miner on some of those lots, but I can't say now just what; Miner told me that Moynehan paid him for the work.

Q. What knowledge or information have you of what persons trespassed on the 352 and 500-acre lots of township 29? A. Well, now, I can't recollect, the information of who did that work; I can't say whether we got that definitely.

Q. Don't you recollect of having been informed that John J. Wakeley cut that timber? A. His cutting is on the Gore lots; John J. Wakeley cut timber on those lots, all in the Gore, between townships 29 and 31, lots 10 and 11; that was the information we got from Mr. George Cooper.

Q. Have you no information as to the persons by whom the trespass was committed on the 352 and 500-acre lots of the Russell tract of township 29? A. I can't tell now; it seems to me we did find out for certain; oh! yes; on the 500-acre tract the logs are there now that were cut last fall; that we got definitely, but on the 352-acre tract, I think we did not ascertain it; it is in my report whose mark was on those logs on the 500-acre tract; my report will tell what mark was on, but I can't recall it just now.

Q. How did you ascertain the quantity of timber cut from those tracts? A. I had Mr. Alonzo Davis make the estimate; I wanted to get what estimates I could by other people instead of making them myself; I never made an estimate myself if there was any other way of getting at it.

Q. Your statement to the Comptroller that there were 5,000 market logs taken from those two lots of the Russell tract in township 29, is based entirely upon the estimate reported to you by Alonzo Davis? A. It is in regard to the 500-acre lot, but in regard to the 352-acre lot it is from the statement made by Nathan Davis; I went through the lot myself and the appearance would justify the estimate.

Q. Have you any memorandum by which you can separate the quantity estimated to have been cut from each of those lots? A. I have no memorandum with me, but my recollection is, that I thought the quantity of logs was about the same in each case; I made up my mind that it was about half on each; the 352-acre tract I saw was pretty well-timbered land, but the 500-acre tract there was considerable of it that had not been timbered.

Q. Have you any knowledge or information that the trespass made upon those lots were made by John J. Wakeley? A. I have not; I think not; I think Wakeley's trespass was confined to 7,000 logs cut on township 11 and these couple of lots in the gore south of township 31.

Q. What knowledge or information have you as to the persons by whom trespass was committed on township 11, lots 15, 16, 17, 18, 32 and 34, to which you have referred? A. Mr. George Cooper, jobber,

and Mr. Jesse Wells, workman ; that is all I can recollect now, except that the Davises know in a general way.

Q. That was done by who? A. By John J. Wakely, as principal jobber.

Q. For whom? A. Pat Moynehan.

Q. And 7,000 market logs, as I understand, were cut from those lots? A. That is as near as I can get it from these different men's statements ; this cutting was for two years ; I made no personal estimate as to that.

Q. Which two years? A. Eighteen hundred and ninety-two-three and 1893-4.

Q. And the cutting on the Russell tract, to which you have referred, was made when? A. My recollection is that on the lower tract—the 352-acre tract—it was two years old ; that is my recollection ; but on the northern tract—that is the 500-acre tract—it was in the winter of 1893-4, and also in the fall of 1894, and last winter.

Q. Now, as to the gore, south of township 11, lots 1 and 2, what knowledge or information have you as to the [persons by whom that trespass was committed? A. I have the name itself in my report—but I can't recall it, of the man that cut that timber ; it is in my report, but I can't recall the name ; he lives at Glens Falls.

Q. What knowledge or information have you of the time when that trespass was committed? A. My knowledge of that came from Nathan and Alonzo Davis, and I think it was two or three years old at that time.

Q. As to the quantity of timber taken therefrom? A. That was Davis' estimate.

Q. What knowledge or information have you of any prosecution for that trespass or settlement thereof? A. My knowledge or information is that there was some settlement for that trespass ; it was by the man who cut it and there was a payment made ; my impression is there was \$140 paid ; there was a payment made for that timber whatever the amount was.

Q. From whom did you receive information of the payment for the timber taken under that trespass? A. I think it was from the Forest Commission report.

Q. Calling your attention to the Gore south of township 31 and to lot No. 10, what knowledge or information have you as to the person by whom that trespass was committed? A. My recollection is that George Cooper cut that timber and gave me the amount he cut for John J. Wakely ; I don't say, positively, Cooper, but I think it can be verified.

Q. You know it was cut for John J. Wakley? A. I only know from what the jobber told me.

Q. And when was that trespass committed? A. Well, it seems to me that it was only the year before, 1893-4, but it might possibly have been 1892-3. It was one of the two winters.

Q. Have you any knowledge or information of any prosecution for that trespass of any settlement therefor? A. I have none as to that.

Q. Calling your attention to township 32, the Gospel and School lots, what knowledge or information have you as to the persons by whom that trespass was committed and when it was committed? A. From Hosea Locke of Indian Lake, who told Mr. Durfee in my presence that he cut the timber the winter before; my recollection is that he said he cut it for Moynehan and A. C. Hall; that is my recollection of it.

Q. Calling your attention to the southeast quarter of township 32, as indicated upon the map you hold, what is the State's title in that and? A. When had anything to do with it, the State owned a one-third interest in that tract of nearly a quarter of that township.

Q. Have you any knowledge or information of any trespass committed on the southeast quarter of that township? A. Recently?

Q. Within the last five years? A. No, sir; not any.

Q. Have you any knowledge or information of any settlement having been made or prosecution for the trespass on township 32, Gospel and School lots? A. I have not; not that I can remember of.

Q. What knowledge or information have you as to the trespass to which you have referred as committed on township 50, lots 97, 98 and 99? A. That is at the outlet of Long lake, Cold river, Essex county; in regard to that, I simply found that the timber had been practically all cut off those lots and I made this estimate as to the amount, but could get nothing definite as to who did the cutting, and for whom; it is not recent; it had been cut at least two years when I was there; I was there in the fall of 1894.

Q. And as to any prosecution for that trespass or settlement, what have you to say? A. I never heard anything of it; William H. Baker, of North Creek, had something to do with it, either cutting the timber or furnishing the jobbers—I could not say definitely.

Q. Have you knowledge or information as to any persons interested in the cutting, skidding, hauling, sale or purchase of the timber on the various lots of State land to which you have referred in this your examination other than those whom you have named? A. I have not; I never was there when they were at work and know nothing of it further than I have mentioned

Q. And have you any other information as to the persons interested as employers or employes in reference to those several tracts? A. In each case I have mentioned all that I could recollect.

Q. What knowledge or information have you as to any license, authority or permission or acquiescence by any State official, forester, or of other position, having been given in reference to the several trespasses about which you have testified? A. I can't say that I have any knowledge of it; one of those jobbers, Joseph H. Mitchell, claimed to have made an arrangement either with the forester or with somebody representing the Forest Commission before he went on and Mr. Baker claimed the same; that is all I know of any acquiescence, Mr. Baker claimed to have arranged it with officials of the Forest Commission before he cut this timber; I have no knowledge, only their claims about it.

Q. Mr. Baker informed you—his trespass was with reference to what lot? A. Lot 20, township 16.

Q. Which he claimed to have arranged with Mr. Powers— A. "Somebody higher,"—that is the way he spoke of it—before he went on.

Q. In any of the other cases of trespass to which you have referred, have you any information as to any permission, license, authority or acquiescence by the forester or any other State official having been given therefor? A. I have not.

Q. What known time or information have you as to the interest in any of these trespasses on the part of any State official, forester or otherwise? A. I can't say that I have any knowledge.

Q. Or information? A. Or information;—excuse me—Hosea Locke that cut this timber on the Gospel and School lots in township 32, told me that the officials of the Forest Commission knew when he was cutting that timber; that is the extent; that is his statement; that is all

Q. What knowledge or information have you as to the circumstances of these several trespasses giving general knowledge thereof? A. I do not understand which circumstances you mean.

Q. Any circumstances attending these trespasses? A. I can't say that I have any knowledge further than I have stated, and the fact that the timber was cut was sometimes found out from the parties themselves that cut it or the men that worked for them.

Q. Have you any information or reason to believe that these several trespasses were committed secretly under cover of darkness, or in any manner to withhold general information thereof? A. None; I have none; I have no knowledge of any special pains being taken to conceal what they were doing; it seemed to be the same as any other lumbering.

Q. In these cases you have mentioned? A. As far as I know.

Q. Are all of these trespasses to which you have referred within the Totten & Crossfield purchase? A. Except the gore south of township 11; that is outside of the Totten & Crossfield purchase.

Q. Have you any reason to believe in the connivance or complicity of any State official, forester or otherwise in respect to these several trespasses, other than you have already stated? A. I have not.

Q. For whom and when was your investigation made or knowledge acquired in respect to these several trespasses about which you have testified? A. Under the order of the Comptroller some time in July of 1894—early in July I think I was first ordered to go on and make an investigation and report; the most of it was in 1894; it was from July, 1894, until early 1895.

Q. Have you knowledge or information of any other trespasses other than those of which you have now testified? A. In the north-west corner of township 32 the State owns 1,100 acres, I think; on the wedge strip from this corner (indicating on map) up to the township line there is quite a strip of 100 or more acres has been cut there within a couple of years on that 1,100-tract.

Q. What knowledge or information have you as to the persons by whom that trespass was committed? A. None whatever; I simply and while I was there surveying ran across this trespass.

Q. Or as to the persons employed on this trespass? A. None

Q. Or any prosecution for that trespass? A. I have never heard of it.

Q. Is that trespass now continuing? A. Not there; my recollection is that that was cut last winter—I can't say; it was either last winter or the winter before.

Q. Have you any knowledge or information of any trespasses now continuing on State lands? A. I have not.

Q. What knowledge or information have you as to the means employed to prevent the stealing of timber from State lands within the Adirondack Forest Preserve? A. I have not any knowledge, only that it was generally known that the State lands were in the care of the State Forest Commission, and they were supposed to appoint men to look after them; any further than that I know nothing about them.

Q. What do you know about the forester or inspector doing to prevent the stealing of timber from State lands? A. All that I know is that the inspector would come up through the country once in a while, but he was a man, I should say, entirely incompetent for the business; he had no practical knowledge of the Adirondacks in any way.

Q. To whom do you refer? A. Mr. Burke, who had charge of this region; by his own admission he knew nothing about timber, lines, lots or anything else; he would come up once in a while; then in the town of Minerva there was a resident forester, Mr. Thomas Powers.

By Mr. ELDRIDGE:

Q. Do you understand that Mr. Burke was an inspector up to the time that the commission was legislated out of office? A. That is my understanding; that he held the office as long as the commission were in power.

By the CHAIRMAN:

Q. What do you know about any means taken to punish these timber thieves upon State lands? A. As I have said in each case, I do not know of any; I certainly have heard of cases where people were brought up and made to pay, but I can't locate them now; they were not any of these cases that I know anything about, but I have heard of people being made to pay for having cut on State lands; I know of no prosecution in any case I have mentioned.

By Mr. NILES:

Q. Is it your opinion that these trespasses are the work of individuals or is it an organized band that has committed them? A. Well, it is hard to say about that; it would appear —; I don't know as I have any means of answering that question.

Q. Have you not an opinion on the subject? A. Well, my opinion — I don't know as you want it.

Q. I want it if it is based upon your knowledge? A. It would appear certainly from the extent and amount of this work that it could not have gone on as individual picking without some organization or some means to prevent prosecution; that is my opinion; I do not set any value upon it and you can take it for what it is worth — that it could not have gone on without some protection.

By Mr. TEN EYCK:

Q. Is that opinion based upon any knowledge? A. I do not present it as evidence, by any means; as long as my opinion was asked for, I have given it.

By The CHAIRMAN:

Q. Have you any knowledge or information or reason to believe that the Forest Commission, the inspector, or forester, or any official

has shown any particular favoritism on the one hand or oppression on the other, with reference to these trespasses? A. There has been talk of a sort of understanding, that is simply my impression, that it did make a difference as to how a man voted, I can't say that that is so; I haven't any knowledge, but it has been said that it did make a difference.

Q. In what way has the oppression or favor in respect to these trespasses been shown? A. As far as I can learn by current talk, that those who voted with the ruling power of the Forest Commission would have some favor; I have no knowledge of it; that has been the talk.

Q. And have you any knowledge or information as to how this favor on their part or oppression by them or any of them would be shown to individuals guilty of these trespasses? A. Well, the same as the last answer; the understanding was, if a man voted right his trespass would be sort of overlooked—passed by; I give that for what it is worth; I do not know it as a fact; that is the talk.

Q. Did you mean to be understood that that is the general impression throughout this county? A. I could not say; it seemed to be the impression among the people that spoke to me about it; as far as general impression, I could not say.

Q. Over how large an area of the forest lands of the State has your inspection extended? A. Well, I should say certainly not a fourth part of it, and how much less than that I would not want to say now, but certainly not a fourth part of the State lands of the Adirondacks; it would be considerably less probably.

Q. In the several trespasses to which you have referred, and of which you have personal knowledge from inspection of the tracts cut over, will you state the character of the timber which has been taken from them? A. It was principally spruce, perhaps nine-tenths or more spruce, and it was almost all second growth, and as a rule it was cut for pulp timber down to six inch logs.

By Mr. NILES:

Q. And what proportion of the forests would that be? A. Well, it is hard to estimate as to that; it would vary on the different lots.

Q. Where the timber has been cut down to the six-inch tree on a lot, what is the appearance of the lot when you come to inspect it? A. Where it is what we call "spruce land" it is almost entirely denuded, but a large part of this was some spruce where it was mixed with hard wood, and that remained to shelter the land, but on the high ridges it was almost entirely spruce and that is entirely denuded.

Q. How many years will it take, in your opinion, to restore the land where the timber has been cut? A. Where the timber has been cut for pulp certainly, not less than a hundred years; if it could be protected from fire it would be less than that.

Q. What character of timber? A. Spruce timber; spruce reproduces itself if it can be protected from fire.

Q. Is there any increased danger of destruction of the forests by fires, where there has been cutting? A. Vastly increased, especially where it has been cut for pulp, because it leaves the ground exposed to the scorching rays of the sun, and makes the ground as dry as tinder, and very liable for fire to get in.

Q. When timber is cut for pulp wood, are the tree tops and brush left on the ground? A. Always.

Q. And the trunk is stripped of branches and sawed into logs? A. Yes, sir—and the trunk taken away and the branches left; the underbrush has to be cut down in order to get at the timber.

Q. But the branches and tree tops and all underbrush are left on the ground? A. Yes, sir—and it is almost impossible to get through it, unless the roads are cut through; a perfect slash heap is left—that is, where spruce timber has been thick.

Q. Where have you found any indication of forest fires? A. I have found that the fire had run over quite a large tract—I could not say how much—but most of this thousand-acre tract—fire had run over it and destroyed it: that is one place and the largest.

Q. Do you remember any in township 26? A. I do not now—not recent fires.

By the CHAIRMAN:

Q. Did you ever know of a man making a bargain with an official of the Forest Commission for logs to be cut on State land? A. None whatever, except those two I have mentioned, and that only from their own statements; I know nothing of it.

Q. Did you ever know of an agreement being made for stumpage to be paid to the Forest Commission, the forester, or any State official, and the logs and the timber then to have been cut under such an agreement? A. I did not, except those cases, and then from their own statements.

Q. Did you ever know of a case of a man having made any agreement for the payment of stumpage to the Forest Commission, the forester, or any other State official, and having cut the timber under such agreement, had the same measured and offered to pay the stipulated prices; then having been refused settlement accord-

ingly? A. I did, according to his own statement, David Helm of Long Lake.

Q. What was the statement? A. That he had made a bargain for this timber in the office of the Forest Commission at Albany, and that he agreed to pay a certain price for his logs — have them measured and pay a certain price; that when he offered to pay the price, the official said that the Commissioner of the Land Office had refused to ratify the sale, and that now they did not see as they could take it; then he showed me some correspondence, some letters he had received from the office — I think from Inspector Burke — with reference to these things, that seemed to confirm his statements; then when he was away an official of the Forest Commission seized these logs and sold them at private sale; that he had offered the payment; and then that the man who had bought the logs came to him and offered to sell them to him for I think \$1.05 a log; and that he told this man that he had already bought this timber and was ready to pay for them, and was ready to pay for them at the stipulated price at any time he was called upon.

Q. Do you know where this timber was cut? A. I can't say now that I do, but I understood it was State land.

Q. How long ago was that? A. Eighteen hundred and ninety-three and 1894, I think.

Q. In what township? A. I can't say now whether it was township 21 or 22; they adjoin; his mill is on 21; he lives on 21, and I think this must have been on the same township 21, in the town of Long Lake in Hamilton county.

Q. Did you ever know of any relative of any State official having cut any quantity of timber on State lands? A. I can't state that I did except these cases I speak of where Mr. Cross claimed to have cut for a relative of the official, Mr. Butler, and these others claiming that they bought of him, but Mr. Butler denies it and claims he never sold them any timber on that lot; any further I know nothing.

Q. In that case, was there considerable public comment; was the act of trespass notorious; and was there considerable public comment thereon? A. I can't say now to what extent; I certainly heard it talked of.

Q. Do you know of any seizure of the logs in the case of trespass thus made by or through any colorable authority of a relative of a State official? A. Well, no, these were the only cases I know of and I have never heard of any seizure of them—you mean of any recent cases?

Q. Yes? A. I heard of some cases years ago.

Q. What case do you refer to where, in a statement you are understood to have made, you say "a relative of an official cut quite a large amount of timber on State lands. Public comment on the boldness of the steal run high. Said official probably felt that he must do something. He seized the logs, advertised and sold them to the same man who cut them, who thus acquired a title to his logs, but I find no record of any payment for them?" A. That is the one I speak of; six years ago, in the winter of 1888-9.

Q. Where did that trespass occur and who was the official referred to? A. The trespass was in the town of Long Lake, and the seizure, etc., I got from their own report; these logs were bid in by Butler and the advertisement and sale were by Powers and sold at public auction.

Q. Do you know whether any payment was made to the State for that timber? A. I do not.

Q. Have you ever examined to ascertain the fact? A. It seems to me that I tried to examine once, but did not find any record of payment; my recollection is that I found no record of it in the Forest Commission report; their reports, of course, will tell for themselves, and probably it may be there but I do not recollect it.

Q. Do you know of a case of a man having cut timber on State lands, and of any official of the State having demanded payment therefor, and of having told the official that he bought the timber from a relative of the official? A. That was this Cole of Long Lake, and this same case on lot 112, township 21; that is Cole's statement.

Q. And was that the end of the matter? A. As far as he heard — that is the way he put it — that that was the end of it.

Q. Thereafter was timber cut from that same lot? A. Yes, sir; I so understood.

Q. By authority of the same official? A. They claimed with the authority of the relative of the official.

Q. Do you know of Lemon Thompson having bought timber taken from State land for which any settlement was made? A. I knew of his having bought timber taken from State land, but I never knew of any settlement or payment.

Q. You say you settled for 25 cents? A. That was one case; this settlement for 25 cents was in Minerva and was cut by William Kayes; I settled that for 25 cents.

Q. Where was that trespass committed? A. Township 26, near the Vanderwater creek; it was on lots 36 and 13; that is my recollection of it now.

Q. By whom was that trespass committed? A. William Kayes of Minerva.

Q. When? A. In the winter of 1888-9.

Q. Have you any reason to believe that persons who accidentally cut timber from State lands or purchase timber that has been cut on State lands are harshly dealt with, while the habitual timber thieves who cut large amounts of timber are let off for a merely nominal price or fee? A. That would be the result of my knowledge of the cases; five or six years ago when I had knowledge of how things were done that was the case.

Q. Would that be a fair statement of the system which has been pursued and is notorious at this time? A. I was busy in other work and never paid any heed to it until the Comptroller put me to work, but when I was in touch with the work and had the management of it, that was the system.

Q. Up to how recent a time would you say that that was the case? A. Well, the last cases I knew bearing upon that was a year before the case was settled up, just referred to, for 25 cents — Lemon Thompson, about 1,300 logs, cut on State lot 25 of Richards' survey, township 27; I looked it up and counted the stumps and measured them and the tops and made a complete report, and I have never known of anything being done about it.

Q. When was that? A. In the winter of 1887-88; I looked it up in the winter of 1888-89; in the winter of 1888-89 while I was inspector, I one day met Edward Lavery, of Minerva on the road and he had bought some logs of a certain Joseph Champine; Champine had bought his timber from John Dougherty; Dougherty was a land owner and a reliable man; as the thing went on he had learned that Champine had taken the logs off of State land adjoining the land that he had owned; I was inspector and he wanted me to go and see about it; Robert Bibby was forester; I did not really want to injure Bibby; Lavery is a quick-tempered man, and he said, "I am going to see about this; I have applied to Bibby and I now apply to you;" I said, "Now, it is my business, and I will see to it and I shall go to-morrow;" I was not very well posted on the lines in that section, so I intended to take Mr. Morse with me, and went and saw Mr. Morse that night and made arrangements to have him go with me the next day that same evening or early the next morning Mr. Lavery sent me word that Bibby had come out and was going to look after it himself; Bibby went and looked it up and they found that a certain number of logs had been cut upon the State lot and Mr. Lavery had to pay \$1.25 a log for those logs, and Champine not being responsible, he had to stand the largest share of that; as soon as he found out they were State logs he stopped.

Q. Do the people generally in this community take an interest in the preservation of the forests? A. Well, I should say the respectable part, the reliable part do really—but I think, as a rule, they like to see fair play and if they become satisfied that there is not fair play in settlements; they lost interest in it; but I think with a proper management of the forests, people would all cheerfully and willingly co-operate in preserving the forests.

Q. How many people do you estimate as living in this county, or within the neighborhood of the territory covered by the Totten & Crossfield purchase, who are interested in the destruction of the forests, and the stealing of timber from State lands? A. Well, how many, I could not say; in fact, there is no one interested in the destruction of the forests, unless they can gain something by it; in a certain way there is a large number interested in it in this way; the men that actually cut the timber get but very little out of it; but they lived through on it—and then storekeepers, farmers, etc., that supply them, who get sale for their goods, were interested in it; and, in a way, there was a large number of people who would favor the destruction of the forests, especially in the town of Minerva, more than any other way—perhaps because I know them better; but that is my impression.

By Mr. MILES :

Q. Are these sections concerning which you have testified, remote from settlement, where a discovery of the trespass would be difficult?

A. No, sir.

Q. How does a knowledge of a trespass upon State land come to the general knowledge of the public? A. What one knows everyone knows; such a one has got a job in such a section; well, that is on State land, because there is only State land in that section.

Q. Does not the party who is actually engaged in making the trespass take means to conceal it as far as possible from knowledge of the community? A. Concealment is out of the question; he must have men to work for him, drawing his supplies in and drawing his logs out.

Q. How does knowledge come to the community? A. The men that work on the jobs and other men going by there; there is no concealment; in a place like that everybody knows everybody else's business.

Q. So, in your opinion, it is impossible for any one of these trespasses to have taken place without being commonly and generally known? A. It would be; here is an illustration: the claim has been made that the forests are so vast, and the Commission have allowed so

few officers, that it is impossible to prevent these trespasses ; now, against that, the Finch-Pruyn Company and the Morgan Lumber Company have just as much land as the State, but they do not have any trespasses, simply because it is known that if one cuts timber on their lands they have got to pay Finch's own price or the Morgan Lumber Company's price ; no man would think of going on Finch's or the Morgan Lumber Company lands without paying the price asked.

By the CHAIRMAN :

Q. Is that the same in the case of clubs and private lands ? A. Yes, sir ; that, in my opinion, is all that is needed to stop trespass on State lands ; let it be known that he must either pay for it or stand suit ; and if he has it, it will be shown up ; let that be known and the trespasses would be stopped.

Q. Supposing he is worthless ? A. They could get no one to buy the logs ; the penalty for the value follows the logs ; they would lose all they advanced the jobbers, and so in that way it would be impossible to sell them ; they would have to pay treble damages.

Q. What do you mean by "treble damages" ? A. They would have to pay whatever they were worth delivered on the water.

Q. You don't, as a fact, understand that the purchaser does pay what they are worth delivered on the river ? A. Yes ; Mr. Lavery had to pay all they were worth.

Q. Isn't he the only man you have mentioned who had to pay all that the logs were worth ? A. Well, some five or six years ago there were several other cases where other men had to pay all they were worth delivered on the river ; Sherman had to pay \$1.25 ; Faxon & Knapp had to pay \$1.25 for some logs, and others not so much ; those are the only cases where the penalty was enforced,—the full value of the logs.

Q. Do the mountains receive a larger rain-fall than the lowlands ? A. They do.

Q. And having a much greater proportion of evergreen timber than the lowlands are covered with a turfy, sponge-like soil ? A. They do.

Q. Do the mountains retain the moisture to a much greater extent than the compact soil of the lowlands, the lower hardwood lands ? A. they do ; they retain it like a sponge.

Q. Are not the Adirondack mountains for the most part solid rock ? A. They are, but with a light coating on them to sustain the timber, but as a rule my experience is that the earth on these spruce mountains will average more than a foot deep.

Q. Isn't that barely sufficient to support a timber growth? A. Yes, sir; that is composed mostly of vegetable debris and retains the moisture; a foot of vegetable growth will sustain a good growth of spruce or pine.

Q. Is the cutting of timber on these mountain lands the only source of impairment of the water supply? A. It is not; after the cutting of the timber—that is, if they could be preserved from fire—then there would soon be a second growth; but as a rule they are not when the timber is cut on a mountain, then the next thing is a fire, and the next thing, the very next spring, the freshets and successive rains washes out the ashes and burnt soil down into the streams; there is no reservoir to hold this stuff, and it is carried down to Troy and Albany, and helps to fill up the bed of the river in that vicinity; every rain that comes, instead of being preserved by this sponge-like surface, runs immediately out and makes immense freshets in the spring; there is no retention, and the mountain springs dry up; I have known, myself, springs when I was a boy that were good, living springs, and now they are entirely dry, or they only run two or three months in the year; in fact, the value of the mountains as water preservers, are destroyed.

Q. Do you think that the number of foresters allowed by law is sufficient to patrol the various districts to which they are assigned? A. I do; and more, too, than is necessary.

By Mr. ELDRIDGE:

Q. Mr. Lynch, do you think that the foresters, as they now also act as gamekeepers, are sufficient? A. No; I was speaking of the old system, under the old commission.

By the CHAIRMAN:

Q. No; I am talking of the law as it now is? A. No; the game part I know nothing about, but for the timber protection the number is sufficient.

Q. Do you think that the number of foresters now allowed by law are sufficient for the proper patrol and protection of the forests against timber thieves? A. Yes; but not including the protection of the game; but for the timber alone it would be amply sufficient.

Q. Do you think that the timber thieves and trespassers are invariably discovered? A. I could not say as to that; certainly they are not invariably prosecuted; that is, they have not, as yet, been invariably prosecuted; the discovery I could not say about.

Q. Is the discovery of trespasses common at the commencement of the work? A. Well, I can't say as to discovery, but certainly the work is not always stopped at the commencement.

Q. Have you reason to believe in any connivance, complicity or acquiescence on the part of any State officials, forester or otherwise in these trespasses? A. Well, I have none whatever, except the statements of some of these men themselves; personally I have none.

Q. Do you understand that the timber thieves go openly with their men and teams in the woods upon State lands? A. I suppose that is the case; it was the case in Newcomb; it is a matter of just as much common knowledge as the stage running or anything else.

Q. In each case of trespass, to which you have referred, as discovered by you during the past year, was the timber not only cut from the State lands but removed therefrom? A. Not in all; on this 500-acre tract, in township 29, I think, as stated there, there was quite an amount of timber, and also on lots 21 and 22, in township 16, the timber is still on the ground, and one little patch on lot 71, township 25, beside the Boreas river, is still there on the ground, and a few logs left on the ground on township 27; there are some hundreds of logs left just as they were cut.

Q. At the time of your visit to any of the lots of which you have testified, in reference to trespass upon State lands, did you find the man there engaged in cutting and hauling timber? A. In no case except lots 21 and 22, of township 16, the men were there — Charles Callahan and John Owens and their men.

Q. How many did you see? A. It seems to me I saw as many as five or six, but I would not be certain as to that; there is one thing I forgot in regard to township 16; they claimed to have got their title to one-half of that lot from E. P. M. Lynch, and either myself or Mr. Durfee told them that if their title to that one-half was perfect they had no business on there.

Q. Did they cease? A. They stopped work.

Q. What suggestions have you, if any, that you would make, for the improvement of the law, for the protection of the Forest Preserve? A. I would make it, first; to not have the protection of the forests depending upon any official or set of officials; in the first place I would make the law that any person giving information of the cutting of an amount of timber on State lands should immediately, that that is proved, receive a certain reward in proportion to the amount of cutting; then the biggest timber thief in the State of New York could not have any protection; whether the State is able to collect anything or not should make no difference with the man that reports and proves a

recent cutting on State lands, but he should receive a certain reward, provided he can do it himself in secret and then get the reward, but some other party; that I think would put a big check upon it; the main point of all would be to make the State's interests just the same as any other private interests, that if any man robs the State, no political or other pull shall save him from the consequences; let it be known and then there would be no necessity for an army of watchers for the State; make it a matter of business.

Q. Does anything else occur to you? A. I cannot think of anything else except that the State property should be removed from all political influence and made a matter of business and that every man in charge and receiving the pay of the State should be made accountable for certain districts; that they should be made directly accountable for that district and if there is any plundering they should be punished in some way for their negligence.

By Mr. TEN EYCK:

Q. Do you know of any instances where cutting on State lands has occurred that the person who actually did the cutting was financially responsible to pay the penalties that the law imposes; that is, the person who claims to own the timber and cut the same or had it cut and then sold it to some other party or parties, since you went out of office? A. Well, I don't recollect now of but one man; there may be more; I don't remember of but one man that had cut in that way that was financially responsible and he settled.

Q. Don't you understand now that the law gives an informer half of the penalty to be recovered? A. No, sir.

Q. How long have you lived in this vicinity? A. I have lived in the town of Minerva since the year 1840, since I was 5 years old and have lived there most of the time.

Q. When did you commence surveying? A. About the year 1868, some, but not much until 1869 or '70; those years I surveyed a good deal and off and on since then considerably.

Q. Now, how did you get acquainted with the Comptroller — I mean Mr. Roberts, the present Comptroller? A. My first personal acquaintance was a letter from him requesting me to do certain work.

Q. That was your first personal acquaintance with him? A. Yes.

Q. You never had any communication with him, either directly or indirectly before that? A. No, sir.

Q. When he communicated with you then you commenced to look this up? A. First he asked me what my terms would be and how

long it would take me, and I answered that and then he told me to go on and do the work.

Q. When did you first meet Mr. Durfee? A. The first of August, 1894.

Q. When was it that Comptroller Roberts wrote to you? A. Early in July; that is my recollection now; it might have been the latter part of June.

Q. Did Mr. Durfee tell you who he represented? A. Yes, I can't say that he said it in so many words, but I understood it that he was sent by the Comptroller; I can't say what words were used.

Q. Did he ever say to you or intimate that he represented the New York Herald? A. No, sir.

Q. Did you ever understand that he did? A. I have no recollection of ever understanding that.

Q. I understand you are a good Democrat? A. I am an American; that is all I can say; I am an American and I have tried to steer clear of politics in all things except to vote as an American citizen and vote for the best men.

Q. But you are a good Democrat? A. I can't say as I am; I have been a Democrat but I am not leaning that way now.

Q. How long since? A. Somewhere about two years.

Q. You supported Mr. Morton in the last campaign, did you not? A. I did.

Q. You requested other people to support Mr. Morton? A. I can't say that I did; I have no recollection of it; in fact, I will say in general, I am no politician; I have kept clear of politics; I have simply voted.

Q. Did you tell any person or persons that if he voted for Mr. Morton and put him into office, that they would get something and that you would get something? A. I have no recollection of doing so, and a very positive recollection that I never did so for Mr. Morton, or any other man.

Q. I understood you to say that you had been dismissed by the Forest Commission? A. No, sir; that is not a fact.

Q. Do you know why you were dismissed? A. I know what they said; they claimed negligence — on a charge of negligence.

Q. Did you ever give anybody permission, while you were inspector, or tell them that they could go on the State lands and cut timber? A. Never; to anyone.

Q. Do you know Daniel Durrell and Hugh Simley? A. I do not; I never heard their names before.

Q. You never told them, or either of them? A. I never gave any person any permission or encouragement in any way, to cut timber on State land; those persons you speak of I never heard of before.

Q. Didn't you accuse Mr. Powers of being the cause of your discharge? A. I never did to my knowledge, and I certainly do not now.

Q. You and Mr. Powers are good friends? A. Well, I have no personal ill-will against any one; but I can't say we are on good terms; I have no desire to injure anyone.

Q. Did you not threaten the Forest Commission, or some of them, if you were not reinstated in your office as inspector? A. I did not in such way as that.

Q. What did you say? A. I felt hurt and sore on account of my dismissal, because it was done in a very disgraceful manner, and the president of the commission told me personally that he did not believe there was any cause for my removal, and Mr. Garman said the same; I at one time wrote to Mr. Garman, in this way: Mr. Garman said there was no chance of reinstatement, because there was another man appointed in my place; he promised me that some appointment should be made for me; I had reason to suspect that he would not keep the promise; I wrote to him asking him for a position, and said if he did not do this to vindicate me, I should take such steps as I saw fit to vindicate myself; that was the substance of it and I think the words; I did not like to rest under any such thing of being discharged for cause when there was no cause.

Q. Have you not repeatedly stated to various persons that Mr. Powers was the only man you wanted to punish or find any evidence against in regard to the trespasses upon State lands? A. I have no recollection of ever stating any such thing.

Q. Would you swear you had not? A. I certainly would not, but I have no recollection of anything of the kind, because I have said that I did not blame Mr. Powers for my removal; I knew that it came from some other sources.

Q. Why did you say that he was the only man you wanted to find any evidence against? A. Of course, I am a quick-tempered man and I may possibly have said some things that I am sorry for; I might have said some things that were not so, possibly; but now I am in cool blood and I think in my right mind, and I try to state things as they are.

Q. You know Joseph E. Murphy? A. Yes, sir.

Q. What relation is he to you? A. Not any.

Q. Did you ever help anybody who cut and removed logs for Joseph E. Murphy? A. Never.

Q. Township 25, Totten & Crossfield purchase? A. Never knew anything of it.

Q. Did you have no interest in the procuring of these affidavits other than your employment by the Comptroller? A. That is the only interest.

Q. And you have no desire whatever to— A. I have no desire to do an injustice to anybody; not in the least; I am willing to live and let live; that is all.

Q. You testified here in relation to some people being let off with a small charge and others being compelled to pay a larger charge? A. To the limit of the law; yes, sir.

Q. Do you know of an instance in which those who paid a small amount were financially responsible to such an extent that they could have paid to the full limit of the law? A. Well, those cases I have referred to were logs cut and bought by Lemon Thompson; he was considered responsible.

Q. I mean the person who cut them? A. Well, his mark was on them.

Q. I mean the person who cut the logs? A. Oh, I could not say whether they were or not.

Q. Now, I have understood you to say that you knew that all these several cases of trespass that you have heretofore spoken of were committed upon State lands; that is as I understood you; is that right? A. Yes; perhaps I ought to explain them in a general way; I would say, as a surveyor, in a general way, that I do not say a line is a line unless from the original field notes I have identified it, but in the usual way of speaking I know a great many lots and lines to be the lines without the field notes, just as I know such a road to be a highway, although I have never seen the record of it.

Q. Now, you say you know these several lots on which these trespasses have occurred as being State lands; when do you mean their being State lands; at the time you went to examine them; of your personal knowledge when did you know of their being State lands — you say that you knew that these several pieces, parcels and lots upon which these several trespasses had been committed were State lands; that is right, isn't it; A. Yes, sir.

Q. Now, when did you know they were State lands? A. Before I made any report I ascertained it either from the Forest Commission report and map, or list from the Comptroller's office before making any report.

Q. And that is the only knowledge you had? A. That is the only knowledge I had, from one or the other.

Q. And that knowledge came to you when? A. As I was going on with the work; as fast as I wanted knowledge I asked for it as I wanted any.

Q. But did you ever take the trouble to examine back and see how long those lots had been owned by the State? A. As a rule we examined to see how long they had been owned by the State or at the time of cutting.

Q. And you knew when the cutting had been committed? A. As far as I could ascertain either by my own observation, but very seldom by my own observation, it was generally by the testimony of others that I set the time.

Q. Will you swear that in each of these instances you examined the title back and found the title to be in the State or no claim of an individual owner at the time the cutting was alleged to have been made? A. When I said that the State owned those lots perhaps I should have said and now state that the State claimed those lots; I made no examination of the title; I should have said the State claimed those lots.

Q. You made no examination of the title in any case? A. I do not remember of looking back to see in any case.

Q. And the State only claimed title — that is, they told you at that time they owned the lots? A. They would say when this became State property.

Q. Now, will you say that they told you that all these several lots were State property at the time that the cutting was committed? A. I did not have that all directly from the Comptroller's office, but it was from the Comptroller's office or from the Forest Commission report and map, and the Forest Commission report always said when those lots became State property.

Q. Did I understand you to say that you went into the State Treasurer's office and made examinations and into the Comptroller's office? A. Well, this examination — I said State Treasurer's office; it might have been the State Treasurer's report in the Comptroller's office.

Q. Did you ever go to the Forest Commission to discover whether the State owned any of these lots or not? A. You mean recently; within the last couple of years?

Q. Yes? A. No, sir.

Q. Did you prior to that go to the Forest Commission office and examine all these pieces? A. I think not since I was in their employ.

Q. Why did you not go to that department to find out? A. There was no need of it, because I had their report and their map.

Q. And that is the only reason you did not go to their department?
A. No; it is not the only reason; I did not have a very friendly feeling in general; that was the reason as much as anything; I did not feel friendly toward them; I had no right to.

Q. And what was your object then of going to the Treasurer's office and to the Comptroller's office? A. Well, to ascertain what moneys had been paid in for these several trespasses.

Q. Why did you want to find that out? A. To complete my report as far as possible.

Q. Is that the only reason? A. The only reason; that was the reason, to make my report as complete as I could.

Q. Is that the only reason; you know whether that is the only reason or not? A. As I understood it —

Q. Is that your only reason? A. It might not have been the only reason.

Q. What was the other reason? A. But it would have been reason enough.

Q. What is your other reason? A. To ascertain, if possible, whether this business was done in a systematic manner, and amounts paid in as soon as collected.

Q. Why did you want to find that out? A. Perhaps to put it in my report.

Q. Perhaps — what other reason did you want to find it out for? A. To put it in my report; I wanted to ascertain whether the amounts collected were paid in immediately or not and I should have made the report as I found it in any case.

Q. Didn't you want to secure evidence against the irregularities that you thought existed in the Forest Commission? A. Well, I don't know as what I wanted to do had anything to do with the case.

Q. Didn't you want to do that? A. If there were irregularities I wanted to discover them, that is certain; that is what I supposed I was employed for; it was with authority of the deputy comptroller that I did it on; the deputy comptroller sent me there to make this examination.

Q. Was all your talk with the deputy comptroller? A. It was in this matter — all my authority; the deputy sent me to make this examination; I had no voice in it.

Q. Have you ever been promised reinstatement in the employ of the State? A. I think not; I have no recollection of it.

Q. Don't you know? A. I don't recollect any; what do you mean; under the Forest Commission?

Q. In the Forest Commission or in any other State department or under any State official? A. I have now got a position.

Q. I ask you if you have not been promised one? A. I think not; I have no promise from any one that has a right to promise.

Q. In any way? A. No, sir; I have got no such promise.

Q. Do you mean to tell the committee that no one has promised you? A. I have not sought a reinstatement.

Q. But haven't you been told by some persons whom you had reason to believe was connected with some of the State departments, that you would be reinstated if you got those affidavits and information? A. I think not.

Q. Is that as strong as you will put it? A. There was no condition whatever attached to my procuring these affidavits.

Q. You know whether there was a promise made to you or not? A. I know there was no promise made in the way you speak.

Q. How was it? A. There was no condition attached to the getting of these affidavits.

Q. How was it made then, if it was not made the way I put it? A. I don't think there was any made in any way.

Q. How was it made then? A. I don't think there has been any made — that is, as far as I can remember it.

Q. Is that the only way? A. I was promised a position in the employ of the State, and I now hold that position, but it had nothing to do with this concern — nothing whatever.

Q. How long have you held that position? A. Since the 27th of May.

Q. When? A. This last May.

Q. And you had got these things prior to that — you had made these examinations prior to that appointment? A. Certainly.

Q. What position do you hold now? A. Assistant surveyor on the State land survey.

Q. How long is that position to run? A. During the will of the superintendent, provided I am willing. But I repeat, there is no connection between the two things.

The committee then adjourned until to-morrow 10 o'clock.

LELAND HOUSE, SCHROON LAKE, N. Y., }
SATURDAY, *August 17, 1895.* }

The committee met pursuant to adjournment.

THOMAS POWERS, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your name, age, residence and business? A. My name is Thomas Powers; age, about 54 years; residence, Olmsteadville, Essex county, N. Y.; business, farmer; have been a lumberman.

Q. How long have you resided at Olmsteadville, and state whether or not you hold or have held any State office whatsoever, and, if so, during what time? A. I have resided in Olmsteadville about 25 years; have held a position as forester in the Forest Commission for about something over six years; it was six years last March I was appointed.

Q. Do you mean that you have held the office of forester for six years preceding March, 1895? A. With the exception of a few days when the Forest Commission was reorganized, there was a few days—that is, one commission was legislated out before the others was appointed; before I was appointed there was a few days, some 20 days I think of a lapse that I was not holding this position during that time; the commission of three was legislated out, and the commission of five was appointed, and then I was appointed, and there was an interval there of some 20 days, I think, or a few days anyway; it wasn't a month. .

Q. In what year was that? A. That was two years ago last spring; that would be in 1893.

Q. Will you state whether or not your duties as forester are by your appointment confined to any definite territory, and if so, to what territory? A. It was not confined to any definite territory.

Q. What instructions, if any, did you receive in respect to your duties as forester? A. I understood my duties to be to see that there was no trespass; or, if I found trespass, report it; look after fire wardens, and if there was fire in the forest to help to extinguish it; in fact, to look after the welfare of the forest in general.

Q. By whom were such instructions given to you? A. Well, by the superintendent—rather, I remember when I was first appointed, I wrote on to the Commission, if there was any particular instructions, and I did not receive any; I do not know that anyone ever told me that those were my instructions, or anything of that kind, but that was what was calculated to be my duties; I read the act creating the Forest Commission, what the duties were and so on; what their rules and laws and regulations were; there I learned what the duties were more than from any verbal instructions from anybody.

Q. And do you mean to be understood as saying that your duties as forester were not to be executed with reference to any particular territory? A. Yes; I was going to say that no boundary lines to any district had ever been laid down to me; there seemed to be a general understanding that I had certain territory, but no lines were ever drawn.

Q. What territory was ever indicated to you, as to be covered by you, in the prosecution of your duties as forester? A. Well, there

was Warren county, and quite a portion of Essex county, and Hamilton county, and some of Franklin county; I have been away on duty in St. Lawrence county and Franklin county.

Q. What portion of Essex county was understood by you to be in the territory to be covered by your duties? A. Well, I rather understood that I reached up here somewhere by Schroon; there was kind of an understanding that Parker would come from Keene this way; Parker was another forester, over in Keene, this county; that is, as far as trespassers were concerned; that I would look after that and a portion of North Hudson and Newcomb—the town of Newcomb; the biggest portion of the town of Newcomb, and the town of Minerva.

Q. And the town of Johnsburg? A. That is in Warren county; you asked me in regard to Essex county?

Q. Oh, yes; was the whole of what was known as Totten & Crossfield's purchase under your jurisdiction as forester? A. Certainly, the whole State of New York was under my jurisdiction, I suppose, that is all the State lands of the State of New York; but township 1, 2, 3, and 4 was not calculated to come into my territory, they were way off.

Q. Of Totten & Crossfield's purchase? A. Of Totten & Crossfield's purchase.

Q. But with the exception of those townships, all the rest of Totten & Crossfield's purchase was embraced within the territory which you understood to be covered by your duties? A. Yes, sir.

Q. What territory outside of the Totten & Crossfield purchase were you instructed to cover in the performance of your duties? A. Oh, I was sent way off into St. Lawrence county; I was instructed to go wherever that I was ordered to go by the Forest Commission, by the superintendent of the Forest Commission; if he ordered me to go into St. Lawrence county to do a certain piece of work, why I went there; but I was not supposed to look after trespass there; I went way down into the Harrisburgh country; well, I cannot remember of those territories without looking at the map; (map shown witness) I went down there to look up some men in regard to redemption, where they make affidavits for to redeem.

Q. In our investigation, we desire to confine you in respect to your duties as forester solely? A. This was my duty as forester, where they made application to the Comptroller for to redeem, and furnished affidavits for to get certain tax sales cancelled, they sent on those affidavits to the Forest Commission, and the Commission sent me to investigate to see whether those affidavits were true or not and correct; and if a man swore that he had occupied a certain piece of land

so many years, and so on, and that they had cultivated it, they sent me to investigate that; find whether he had occupied it so many years, whether there was any cultivation and all this.

Q. By whom was the territory for the performance of your duties indicated to you? A. Well, Garmon was the first superintendent that I was under, that is in the employ of the Commission, and I don't know — when he first came up and wanted me to accept this appointment, he seemed to be more anxious at that time for to go on and investigate trespass that was committed at that time.

Q. Whom did you succeed in office as forester? A. Robert Bibby.

Q. Is he the same Robert Bibby who is now the forester? A. Yes, sir.

Q. Of this section? A. The same man; I suppose I succeeded him; he was dropped from the rolls and I was appointed.

Q. What means of information or what knowledge, or information did you have or have you had as to the location of the State lands?

A. I got it from maps and a general knowledge of the woods from my own experience as a lumberman and so on.

Q. And have you definite knowledge and information as to the location of all the State lands within Totten & Crossfield purchase?

A. Definite information; I don't hard ly understand as to that; yes, I know where they are all located.

Q. And you have had such knowledge and information during all the time of your continuance in office as forester? A. I should say yes to that, all the State lands that are located in that territory of the Totten & Crossfield purchase.

By Mr. NILES:

Q. You knew, not only their location on the map, but in a general way you knew their location in the forest, did you not? A. Yes.

By Mr. ELDRIDGE:

Q. You do not mean to be understood by that that you know where all the lines are and could trace them out as a surveyor? A. No; for instance, I know where the different townships were located, but when you come to the different lots I would have to go and hunt them up and may be get a surveyor to help me do it.

By Chairman WILDS:

Q. And did you have always at hand the means for the location of all the State lots within the Totten & Crossfield purchase? A. Have the means for the location, I don't understand that question; what means?

Q. What means did you have at any time for the location of the several lots of State lands within the several townships of Totten & Crossfield purchase? A. Some of those lots I knew by my own knowledge, knowing where the lines and corners, etc., were; others, I had nothing but the map, and looked on the map.

Q. To what map did you refer? A. Lately we have used those maps, the State Forest Commission maps I call them; before we got those maps we had all kinds of maps; I used to use the Butler map some, and any old maps that we could get hold of; I don't know as I ever had anything except the Butler map until we got those maps.

Q. Did you have no information furnished you by the Forest Commission as to the bounds and location of State lands? A. Not unless I would send specially for that; when we wanted to find lines we would very often send on to the Commission for the field notes and diagrams, if they could furnish us with anything, and what information they could get from the Comptroller's office, Surveyor General's office, and so on—send me on field notes, and so on—but never furnished anything of that kind unless I sent for it specially.

Q. When did you receive the maps to which you refer? A. Well, now, I couldn't say what year it was in—it would not be over three years ago; I think maybe it might not be quite so long, and might be a little longer—I don't remember.

Q. And previous to receiving those maps, what did you use as a guide to your knowledge of the location of the State lands? A. As a guide—why, we had the Forest Commission report, giving us a list of the State lands.

Q. From year to year? A. From year to year.

Q. And have you, from year to year, in the course of the discharge of your duties as forester, taken pains to inform yourself as to the particular location of each lot of the State lands within each township of the Totten & Crossfield purchase? A. I have taken pains to inform myself, as much as possible, without incurring any unnecessary expense; we were limited, that is, they cautioned us in regard to our expenses; they didn't allow us to travel through the woods all the time at a big expense; when we sent in our bill we were censured, if, at the end of the year, our expenses were too large.

Stenographer reads last question and answer.

The WITNESS.—I would say in addition to being forester I was appointed a special agent for a time.

Q. Special agent for what? A. The Forest Commission; at the same time I was acting in the capacity of forester; I was acting in the capacity of forester at the same time.

Q. And during what period? A. I cannot say what year.

Q. Do you deem yourself to have been fully informed from year to year as to the location and bounds of the State lands within the Totten & Crossfield purchase? A. The bounds of the lot lines or township lines, or what — what bounds do you ask for?

Stenographer reads question.

A. I would say no.

Q. How far short of full information do you state yourself to have been? A. Oh, I couldn't answer that, how far short I was, I don't know how many lots — I surveyed out a great many of these lots, traced out a great many lot lines, and there is a great many of them in the Totten & Crossfield purchase; it would cost thousands of dollars, and hundreds of thousands to go on with a surveyor and trace out all the lines; I would like to explain that.

Q. Did you have at all times accessible data from which you could in each year locate the lots belonging to the State in each township, and the bounds thereof? A. The only way I had of locating those boundaries, or lines, was either to go into the woods myself and find them, or take a surveyor and find them.

Q. Had you any descriptive data always accessible by means of which you could at all times obtain the location and bounds of State lots in each township? A. The Forest Commission would not allow me.

Q. Answer the question please? A. I do not understand that "data" business that you are talking about; if you will explain a little so that I can answer it, I want to answer intelligently.

Q. Did you have always accessible, a description of the location and bounds of the lots belonging to the State in the several townships of the Totten & Crossfield purchase? A. All the description that I had was when I had the maps from the Forest Commission, and the list in the Forest Commission reports; those were all the descriptions that I had.

Q. At any time? A. At any time; unless that I sent on, as I said, specially for the field notes and so on.

Q. Was the location and bounds of the State lands marked distinctly upon the maps to which you have referred as used by you at any time before the issuance of the map by the Forest Commission? A. Do I understand you to ask if I was furnished any maps or had any maps with the State lands laid down on them before? I think not; I know I did not.

Q. Previous to the issuance of the map by the State Forest Commission in 1893, what were your sources of information as to the

bounds and location of the lot lines? A. Nothing only the Forest Commission reports, with the lists, some of the lists given, and description; it gave a list of some lots and described how they were bounded.

Q. Is the location of State lands a matter of general notoriety in the several sections of country thereabouts? A. What did I understand you?

Stenographer reads question.

A. I don't understand them to be of any great notoriety.

Q. Isn't it a matter of common knowledge by the people living in the several townships embraced within the Totten & Crossfield purchase as to where the State lands are within such townships? A. It is with some few people in the different localities, and others know nothing about them, only a very few people in the different townships that I could get to go and show me a line, or anything of the kind, or the boundaries; they always came to me for that information, and asked me if such and such a lot was staked.

Q. Do not the people generally know the general location of State lands, even if they do not know the actual location of the lines thereof? A. No, there is very few people in each town that know anything about the location.

Q. Are not those who deal in lumber advised of the location and bounds of State lands in the several townships? A. I have no way of knowing as to what they are advised — those lumbermen.

Q. Where the townships of Totten & Crossfield purchase are made up chiefly of State lands, are not the people living in such townships advised as to the location and bounds of State lands? A. I do not know what they are advised, I am sure.

Q. Is it not a matter of common knowledge with them as to the location and bounds of the State lands? A. It is not; there is only a few people in each township, very few, that could show me a line.

Q. Do you profess to have had more information as to the location and bounds of the State lands than commonly held by the people in the several towns of the Totten & Crossfield purchase? A. I do.

By Mr. NILES:

Q. Do you mean to say that in such townships as Nos. 16, 26 and 30 of Totten & Crossfield purchase, that the residents of those townships would not know that the great majority of that land was State land? A. Those people might know that the majority — that is that lives in the township, there is very few living in 16 township; they might know that there was quite a portion of it State land; they could see

that by looking on the assessment roll, but there is few people that pay any attention to it, or could go and show a line or anything of that kind.

Q. Mr. Wilds made that distinction ; what we are asking is whether the people of those townships are not familiar with the general location of the State lands ? A. There is quite a few people that do not know where the 16th township is located ; in the town of Minerva, they could not tell you where the 16th township was, lots of people, and you get away back in the woods 15 miles, unless you have something that you are on a line and so on, you don't know where that lot is, you may be a mile from where you suppose you are.

By the CHAIRMAN :

Q. Will you state what means you have taken to prevent depredations on the timber on State lands ; and what trespasses, if any, you have discovered in the course of the discharge of your duties as forester ? A. Well, the means that I have taken—when a man trespasses, I forbid them taking anything more and reported it immediately to the Forest Commission ; then I received my instructions as to what to do ; if I found the logs cut and skidded, I seized the logs and reported then to the superintendent, or the Forest Commission rather—generally addressed to the superintendent ; if he said, sell the logs for what I could get, I sold them ; and if I didn't receive any instructions I let the logs lay there.

(Question repeated.) A. I can not remember all the trespasses that I discovered, or near ; they are all on file in the office, I suppose ; they should be filed in the office, all my reports ; and they are also entered on the book ; as the trespass is reported it is entered on the books, and also the report put on file.

Q. Have you with you, as instructed, all books, papers and memoranda, containing any entries or record of your transactions, prosecutions or settlements in reference to timber trespasses on State lands ? A. I haven't any books ; I have some copies—very few copies, of reports, here ; I had a book that I kept—a diary and memorandum like—of all the trespasses that I found, and when reported, and so on ; that book I lost last winter down on township 10—that diary like—but any further I kept no books ; I have some copies of reports and correspondence between the superintendent and myself—some few—in regard to some trespasses.

Q. What papers have you with you at this time in reference to those matters ? A. I say I have some copies of reports, and correspondence between the superintendent and myself in regard to trespass, that is all.

Q. Will you state what trespasses you have discovered in the course of the discharge of your duties as forester? A. I cannot remember all the trespasses.

Q. Have you any data from which you can state the same? A. I have not.

Q. Can you state any? A. Trespasses; oh, yes.

Q. Were all of the trespasses which you discovered in the course of the discharge of your duty as forester reported to the Forestry Commission? A. Yes, sir.

Q. At the time thereof? A. At the time thereof, as soon as discovered, or as soon as I could get to where I could mail them.

Q. Have you copies of all your letters communicating the same to the Forestry Commission? A. I have not.

Q. Have you copies of any such communications? A. I have.

Q. What trespasses do you recall as having been discovered by you? A. Well, I discovered a trespass by David Helm, of Long Lake, on lot 101, township 21, T. and C.; also of Lewis Jennings, on lot 92, same township, same purchase.

By Mr. NILES:

Q. What date? A. Those were discovered in 1894; in the winter of 1894; I couldn't give exactly the date, and I don't know but I have got the date here.

By the CHAIRMAN:

Q. Please furnish the date if you can? (Witness looks). A. March 17, 1894. Here is my report in regard to 101 (reading): "I have looked over lot 101, Totten & Crossfield purchase, township 21, on the 15th. I found that David Helms had cut and hauled to the mill (I think that is 675 pieces) 675 pieces of spruce logs, and I found 30 pieces on the skidway. I forbid his cutting any more. He talks as Robinson did, that he must have logs for his mill; it is a wilful trespass. Instruct me as to what I shall do." There is the report.

Q. To whom is that made? A. To the Forest Commission; it says, "To the Forest Commission," Albany, N. Y.: "Gentlemen:—I have looked over —"

Q. You need not read that all over again — to the Forest Commission? A. Yes. Of course this belongs to the superintendent; the secretary gets all the mail, and he then hands it, as I saw them do there, to the superintendent.

Q. What instructions did you receive in reference to that trespass?
A. I received instructions afterwards, verbally, I was in Albany.

Q. From whom? A. From the assistant warden, Haverstraw, and Secretary McCreedy to go on and sell the logs to the highest bidder, whoever would pay the most for them; that was the instructions; the superintendent was not there.

Q. Was any limit fixed as to price? A. No, sell them for the most I could get.

Q. What did you do under such instructions? A. I sold the logs.

Q. To whom and when and for what price? A. I sold them to M. C. Collins of Newcomb; well, I cannot give the date now; it was shortly after, probably within 20 or 30 days, such a matter, I think at 50 cents per market log.

Q. What advertisement or other public notice of your intended sale of these logs did you make? A. I didn't make any, any more than I told everyone that I saw, Minor and Anderson, and told them I was going to sell those logs, saw Helm's partner in the mill, and told him I was selling the logs, and asked him how much he would pay for them.

By Mr. NILES:

Q. Who was that? A. His name was Wilson, I think, Will Wilson.

By the CHAIRMAN:

Q. Then was the only information which you gave to any one of your intended sale of those logs such as you gave privately to a few individuals? A. Such as I gave verbally; there was nothing private about it.

Q. Was any public notice of the sale or intended sale thereof posted by you? A. No, sir.

Q. At any place? A. No, sir, not of that sale.

Q. Do you deem yourself to have followed the instructions which you received in respect to the disposition of those logs to the highest bidder? A. Yes, I followed the instructions; I had no instructions to post any notice, but to go right back and sell them; they were likely to be sawed up pretty quick.

Q. Where were the logs when you seized the same? A. They were on what we call the roll bank in front of the saw mill at the head of Long lake.

Q. How far from lot 101, township 21? A. I couldn't give the exact distance, not very far; I should say from half a mile to a mile.

Q. Was any timber which was cut under that trespass remaining upon that lot? There was 30 pieces at the time.

Q. Were they included in your sale to M. C. Collins? A. I think not.

Q. What was done with them? A. Nothing to my knowledge.

Q. How many markets did you sell to M. C. Collins? A. I couldn't say now; he has a receipt showing; I think the receipt shows; it shows the amount of money he paid, and I think the amount of markets.

Q. Have you not stated the number of markets to have been 675 as seized by you, and that you sold the same at 50 cents per market? A. I didn't say 675 markets; 675 pieces.

Q. Let me see your letter. A. There is a mistake in the copy in that, I am pretty sure—it is 175 there, but it is a mistake.

Q. Six hundred and seventy-five pieces? A. Yes, sir; that is the best of my recollection.

Q. How many markets were there in the 675 pieces? A. I don't remember.

Q. Were the proceeds of the sale to M. C. Collins paid to you? A. Yes, sir.

Q. How much did you receive? A. I cannot remember now the exact amount.

Q. What did you do with the proceeds thereof? A. I sent it to the secretary of the Forest Commission, less \$40 that I paid Will Butler for services rendered the Forest Commission at Long Lake by instructions; you will find it so entered on the books, so much received, less \$40.

Q. Have you your letter, or a copy thereof, communicating to the Forest Commission your report of the sale? A. I have not; I found that (indicating); that is all that I found.

Q. In regard to the trespass discovered by you, as having been made by Lewis Jennings on lot 92 of township 21, what did you do? A. I sold those logs to Walter D. Jennings.

Q. What was the quantity of logs? A. To the best of my recollection it was 75 markets; I don't know whether it was 75 pieces; it was large; they were hemlock logs.

Q. Have you no data from which you can definitely inform yourself for testimony here at this time as to the quantity of markets seized by you upon that trespass? A. I cannot, I have no data.

Q. What were the circumstances attending your sale of those logs to Walter D. Jennings? A. What were the circumstances? I told Jennings he could have the logs for \$50; I tried to sell them to D. Moynehan, and I think some others; I wouldn't be sure, but I know Moynehan was there; I tried to have him buy them; he was in the lumber business, and Jennings was the only man who would buy them,

and he was to pay \$50 ; I sold them to him ; he said, he told me that this Dennis Moynehan would give me his check for that amount ; he never did ; I don't know that it was ever paid for ; I reported it to the Commission, and they understood how it was ; I reported it to the superintendent what the arrangement was, and I never had no instructions to do anything more.

Q. And you never collected the \$50 ? A. No.

Q. Nor know of the same having been paid for those logs ? A. I don't know if it was paid ; I do not think it was.

Q. By whose authority did you make that sale or pretended sale ?

A. My instructions at the same time as the Helms' logs from the same parties.

Q. Were the trespasses to which you have referred as made by Helms and Lewis Jennings discovered by you at the same time ? A. During the same winter.

Q. Were they reported by you to the Forest Commission at the same time ? A. No, the Jennings trespass, I think, was reported before ; I think, in the first place, the Jennings trespass was found by Delmar, who was sent in there ; as I had a good deal of work to do in other places, he was sent in there to help, and he discovered the Jennings trespass, and, I think, reported it to the Commission, and also—well, before I went back there, and before I heard from Delmar, he had left there, I discovered it myself, but Jennings was reported to the Commission and committed before Helms was ; the trespass was committed and the logs hauled to the mill before Helms' trespass ; then there were other trespasses there, there was Rickardson's.

Q. What is his first name ? A. I don't remember now, John, I think it was.

Q. Where was that trespass ? A. I cannot remember now what lot.

Q. In township 21 ? A. Yes ; I think it is 46, that is my recollection, lot 46.

Q. And what was the extent of that trespass, and when was the same discovered ? A. It was discovered in the winter of 1894 ; it was a small trespass ; I cannot remember the markets, it was small, I should say maybe, to the best of my recollection, not over 200 pieces.

Q. Two hundred pieces or markets ? A. Pieces ; it was small ; it was cut and framed for a house, the logs were, of all lengths, different lengths. He sawed up the timbers for the house.

Q. What was done by you in reference to that trespass ? A. I sold them under the same instructions to Collins at the same sale.

Q. Sold to whom ? A. Collins, M. C. Collins.

Q. For how much? A. I cannot remember that now. They were sold for 50 cents^{ea} a log I know; all that^I I sold Collins was 50 cents a log.

Q. And that sale was made in the spring of 1894? A. Yes.

Q. What amount did you receive from Collins therefor? A. I don't remember that.

By Mr. NILES:

Q. Was that a public sale? A. The same as Helms' sale, all the same.

By the CHAIRMAN:

Q. Without any public notice thereof? A. Yes; in any sale to Collins I gave no notice, that is, I posted no notice.

By Mr. NILES:

Q. Was the sale held at a public place? A. No, I went up through there, Collins went with me; I went to see him and asked him to go up there; those people up there, you couldn't sell them those logs; they dasent buy them; you go into one location and find a trespass, a man does not dare go and buy those logs; you couldn't sell them to him for nothing; Collins didn't want to buy; he says, "they will burn the lumber up after it is put in the^{pile};" you can not go into a location like that and sell them the logs, they dasent do it; that is, they won't do it; they are all neighbors and they all want to trespass some, if they can get a chance, and, as a rule, they won't "squeal" on each other; if a man does, and it is known, they turn him down pretty quick.

By the CHAIRMAN:

Q. Was the sale of the timber seized by you under the Rickardson trespass made to M. C. Collins at the same time that you sold the logs seized by you under the David Helms trespass? A. They were sold at the same time, but not seized at the same time.

Q. What was done by you with the proceeds of that sale? A. Forwarded to the secretary; all Collins paid for the Helms' logs, the Rickardson logs, the Warren Cole logs and the John Robinson logs, all at the same time gave a check.

Q. What was the amount of that check? A. I don't remember; I sent it all, as I say, all the money that Collins paid me for those different jobs, on to the secretary, less \$40 paid to William Butler.

Q. All those logs were sold at 50 cents a log? A. All those logs were sold at 50 cents a log.

Q. You appear then to have discovered a trespass made by Warren Cole; is that the fact? A. Yes.

Q. And where was the trespass discovered to have been made? A. I think that was on 46 too.

Q. Lot 46 of township 21? A. Yes.

Q. And what was the extent of that trespass, and where did you seize the logs? A. I seized the logs on the lot; I don't remember how much; it was small; I think less than 75 pieces.

Q. And those pieces were sold by you at 50 cents per market to M. C. Collins? A. Yes.

Q. And the proceeds thereof received by you and paid over by you to the Forestry Commission? A. As I say, there was \$40 that I paid to Will Butler, and sent the balance of all the money—that is, all the money that Collins paid me; there was David Helms, Rickardson's, Cole and Robinson; I think I sent that all in one check, less \$40 that I paid to William Butler.

Q. You appear then to have discovered a trespass by John Robinson? A. Yes.

Q. Where was that trespass committed, and what was the extent thereof? A. If you will just let me look on the map, I can tell you about it; I think it was 47 or 57; I guess it was 57 (looks at map); 47, on lot 47, Totten & Crossfield purchase.

Q. What was the extent of the trespass? A. I can not remember the exact number of pieces; 45 pieces to the best of my recollection.

Q. Do you now by reference to the map identify lot 46 of township 21 as the State lot upon which trespass was committed by Rickardson and Warren Cole? A. I do; there might some of Rickardson's come off from 58, but I wouldn't be sure now.

Q. What other trespasses have you discovered? A. Oh, I discovered trespass in township 26 by J. H. Mitchell and Lahey, lots 102, 103 and 89, I guess Lahey had nothing to do with 89 or 90; Mitchell on 89.

Q. Will you, by reference to the map, verify the location of the trespass to which you now refer? A. I do not know as I can point it out, it is so long since I was there, they went around so many different places in the lot; the two lots is cut up in so many different shapes; I do not think this map is accurate in regard to those two lots, that is, as it is painted here.

Q. Did you also discover any trespass committed on lot 90, township 26, by Joseph H. Mitchell? A. Yes, 89 and 90, right in the corner as I remember; yes, it was here in the corner of 89 and 90.

Q. As I understand you discovered a trespass on lots 89 and 90, 102 and 103 of township 26, as having been made by Joseph H. Mitchell, is that correct? A. Yes, sir.

Q. What was the extent of that trespass, and what was done by you in reference thereto, and when was the same? A. To the best of my recollection I estimated the trespass on 102 and 103 at 325 markets, and found the actual measurement, I think on Kenyon & Baldwin's books or from Johnson to be 326 markets, one market more than I estimated, and I have got a copy of my report in regard to 89 and 90 here. (Refers to report.) The date has not been put on the copy.

Q. It is addressed to whom? A. Addressed, "Col. W. F. Fox, Superintendent, I have looked over lots 89 and 90, and found there had been cut and taken away by J. H. Mitchell 37 cedar trees. Please instruct me what I shall do about it if anything." This report was made somewhere about September 1, 1894, the last part of August or September 1st.

Q. What further, if anything, was done by you in reference to the trespass you stated that you discovered as made by Joseph H. Mitchell on lots 89, 90, 102 and 103, township 26? A. I didn't do anything only report it.

Q. Did you report the trespass, or any trespass, as discovered by you to have been made by Joseph H. Mitchell on lots 102 and 103? A. Yes, sir.

Q. To whom and when? A. The Forest Commission—well, it was the Forest Commission or it was the superintendent; it was reported somewhere about the latter part of August or 1st of September; I do not think I have got a copy of that.

Q. What instructions, if any, did you receive in reference to those trespasses? A. I have something here; here is something in answer, I think; there were a few logs that were cut by Eldred Harpp on lot 90:

"September 6. Seize the logs on lot 90, and sell them to the highest bidder when it is convenient for you to attend to the same. Do not allow any one to remove the logs until you get the money; we will then proceed against Alfred Hart (Eldred Harpp) for trespass, and collect a penalty which he must pay in addition to the loss of the logs. If Kenyon and Baldwin have not paid the party who cut the timber on 102 and 103, make a demand on them for the value of the timber. Having collected the value of the timber from Kenyon and Baldwin, we will commence a suit against the parties who sold the timber. If Kenyon and Baldwin have paid these men, we might settle with them if they will pay a price high enough to warrant our doing so. I am

willing to be guided by your opinion in this matter as you are more familiar with the facts in the case.

“Yours truly,

“WILLIAM F. FOX,

“*Superintendent State Forests.*”

Q. What did you do pursuant to those instructions? A. Here is the answer to that: “Yours of the 6th at hand. Kenyon and Baldwin have paid for the logs cut on 102 and 103. The logs were bought by A. Johnson of this place and sold to Kenyon & Baldwin. The parties that cut the logs, Callahan and Mitchell, are responsible, I think, for the trespass, and I would be in favor of making them settle for the same.”

Recess till 3 p. m.

AFTERNOON SESSION, 3 P. M.

Examination of THOMAS POWERS, continued:

By the CHAIRMAN:

Q. What further was done by you in reference to the trespass which you discovered by Mitchell on lots 89, 90, 102 and 103 of township 26?

A. There never was anything more done; I had no authority to do anything more.

Q. When was that trespass made? A. In the winter or the spring of 1894 on 102 and 103; the trespass on 89 and 90 was made some time in the winter of 1894, and on 102 and 103 it was made in March, 1894, for I looked the lot over along the last days of February and the first days of March and there was nothing cut there then.

Q. Which lots did you look over in February or March? A. 102 and 103.

Q. And you found that nothing had been cut there then? A. Nothing had been cut.

Q. At any time? A. No, not for many years, that is, not for some years, I do not think since the State owned it, I wouldn't say that but nothing during my administration had been cut.

Q. What further trespass, if any, have you discovered? A. Oh, I discovered a trespass up on township, I think it was township 4, I think I could tell by looking at the map. (Looks at map.) I think it was in township 8 now; it was in this Kunijumuck country; I think now it was in the corner of township 8 on some of these lots, but I wouldn't be certain; it is two or three years ago that I went in there

and found eleven hundred and some odd acres cut; it might have been this territory here (indicating) it was up in that country anyway.

Q. It was in the northeast corner of township 32? A. Well, it was just across the line adjoining on to 32; the lot came right up to the line.

Q. By reference to the map, state where the trespass was found? A. To the best of my recollection now it was on township 8; I think this is the lot here (indicating); I think now that 5 is the lot, I wouldn't be certain.

Q. What trespass did you there discover to have been made, and when and by whom made, and to what extent was that trespass? A. It was in the winter, either the winter of 1892 or 1893, 1893 I think to the best of my recollection; there are eleven hundred and some odd pieces cut and skidded.

Q. By whom? A. Cut by James Eldridge.

Q. For whom? A. Well, I guess the fellow cut them for himself, that is cut them to sell to somebody, he was lumbering in there for Gilbert Sheffield, but he was lumbering on 32 for Sheffield, and he went over the line and cut those logs.

By Mr. NILES:

Q. Did that appear to be a willful trespass? A. Well, I recollect that it was, though he said that Freeman of Glens Falls claimed to own the lots, and that Freeman's man, Wendell, had told him to cut the logs, to go and lumber on this lot.

By the CHAIRMAN:

Q. Which belonged to the State? A. Yes; so he said, but come to learn the facts, I was satisfied there was nothing of that.

Q. What was done by you in reference to that trespass and when was your discovery thereof made? A. It was discovered, I think, in the winter of 1893; I seized the logs; that was some 40 miles from where I resided; I seized the logs and reported them to the Forest Commission, and was instructed to settle for the timber with Eldridge for 50 cents, I think it was 50 cents, per market log.

Q. And did you settle the same accordingly? A. I settled with Eldridge, and Gilbert Sheffield sent me his check for that amount.

Q. And what did you do with the same? A. I sent it on to Secretary McCreedy of the Forest Commission.

Q. What was the amount of that check? A. I can not remember now.

Q. How many markets were there in the pieces you there seized?
A. I think I estimated they had 300 markets to the best of my recollection.

Q. And so reported to the Commission? A. Yes.

Q. And settled? A. Yes, I think it was 300 markets I settled with them.

By Mr. NILES:

Q. Do you use "log" in the sense of "piece" or "market?"

A. Where I say "pieces" it is pieces, and where I say "markets" it is the 19 inch standard.

Q. Which is "logs?" A. Well, either one is logs, pieces is logs and so is markets.

Q. You said you settled at 50 cents per log? A. Per market log; when we say logs we mean the standard logs.

By Chairman WILDS:

Q. What further trespass, if any, have you discovered to have been made on State lands? A. I discovered some trespass in the tract west of road patent.

Q. On what lots? A. I couldn't tell now what those lots were, it was six years ago, but the inspector was with me, he kept the minutes.

Q. In what part of that patent? You have the map before you; will you refer to the same? A. I do not know whether I can tell; it was slight anyway, a very slight trespass; I should say to the best of my recollection it was in this 73 or 73.

Q. On the Blue Ridge? A. Yes.

Q. What township? A. Tract west of road patent, Hoffman township.

Q. What was the extent of that trespass? A. I do not remember now, it was only a few trees; the trees had been cut and hauled to the river.

Q. By whom was the same made? A. Paschall Warren.

Q. Of what place? A. He lives up there at Hoffman, above Hoffman; that tract.

Q. What was done by you in reference to that trespass? A. I looked to examine it, and made an estimate of what the trespass was.

Q. Is that all? A. That is all; Burke, the inspector, was with me, and he done the reporting, and looked after the rest of it; that spring he was with me a good deal.

Q. Who was the Mr. Burke to whom you refer? A. John H. Burke, of Ballston, Inspector of the Forest Commission.

Q. Was he Inspector of the Forest Commission during all the time of your holding office as forester? A. Yes, sir.

Q. Were you under his direction in any respect as to the discharge of your duties as forester? A. Yes, sir.

Q. In what respect were you subordinate to him? A. Well, we were subject to their orders — to the inspector's orders; they got \$125 per month, and we got \$40; they were our superiors.

Q. The trespass to which you have just referred as discovered on the west of road patent was in the year 1889, as I understand? A. I think so; it was six years ago last spring, I think it was 1889.

Q. What further trespasses, if any, have you discovered? A. We discovered a trespass, lot 49, township 26 (looks at map); yes, lot 49, township 26.

Q. The trespass was discovered by you when? A. It was the same year, 1889; I do not remember as to that; Burke was with me, and kept a minute, kept track of all that; the trespass was done by Faxon & Knapp, that is by their foreman they claim.

Q. What was the extent of the trespass? A. I do not remember that now; there was no great amount.

Q. A thousand pieces? A. Well, I should say there was somewhere in the neighborhood of a thousand pieces.

Q. Were there two thousand pieces? A. I do not think there was.

Q. How many markets did they make? A. I think we estimated those at five or six pieces to the market; it was principally pulp wood, pulp logs, second cutting.

Q. What was done by you in reference to that trespass? A. The logs were seized by myself and Burke and afterwards I was notified not to allow those logs to be removed from those lots.

Q. By whom? A. By the superintendent, S. C. Garmon; and they did remove them; I asked Garmon if I should place a man right there, or sit there and watch them; he says, no, but if they did remove them to report; quite soon after the logs were removed, I examined the lot and found they had been removed, and reported it to the Forest Commission.

Q. By whom were they removed? A. By the foreman, Wesley Wilson; that is, he said he removed them; I didn't see them removed, but he said he removed all the logs to the river.

Q. What further was done by you in reference to that trespass? A. I think there was nothing done by me; I went to Chester to Faxon & Knapp once with Mr. Burke, and to the best of my recollection they settled for the timber, paid \$1.25 a log, paid Burke; I don't know what was paid.

Q. Was anything received by you for or on account of any settlement of that trespass? A. Not anything; I discovered another trespass; I think that was west of road patent or in 25; I think it was in 25, the same year.

Q. Township 25? A. Yes, sir; I couldn't say what lots, though.

Q. Not west of road patent? A. No; I think it was right near the line.

Q. On what lots? A. I can not remember.

Q. Well, what lots are near the line? A. Well, there is 5, 10, part of 15 is owned by the State, 25 and 30.

Q. And was the trespass to which you refer upon those lots or any of them? A. I think so, to the best of my recollection it was.

Q. Was it upon all those lots? A. No.

Q. Upon which of those lots was that trespass made? A. I don't remember.

Q. What was the extent of the trespass there discovered to have been made, and by whom, and when was the same made? A. It was the same year, 1889; by Joseph Champine, sold logs to Edward Lavery.

Q. What was the extent of the trespass? A. I don't remember now.

Q. Five thousand markets? A. Oh, no; they were settled for at \$1.25 a log, and I think the amount was some four hundred dollars or over.

Q. Payment was made to whom? A. The money was paid to me; Burke settled with Lavery; he didn't have any money that day, and he told him to give it to me, which he did.

Q. What was done by you with the same? A. I sent it down to the secretary; I think the amount was \$442.

Q. Four hundred and forty-two dollars? A. I think so; there might be some cents; I think that was about the amount.

Q. What further trespass, if any, was discovered by you? A. I found a trespass on lot 118.

Q. What town? A. Township 26.

Q. By whom and when, and to what extent was the trespass? A. The trespass was committed by Callahan and Owens, Charles Callahan and John Owens; the amount, I think, was 163 standards, market logs; that is the best of my recollection.

Q. And when was this trespass discovered, and when was it made? A. It was discovered in the fall—in August, I think, of 1894, the trespass was done in the spring of 1894.

Q. And what was done by you in reference to that trespass? A. I reported it to the Forest Commission.

Q. Anything further? A. Nothing.

Q. Did you receive no instructions from them in reference thereto?

A. I know I did not; I didn't get no instructions; he said they were going to prosecute.

Q. What further trespass, if any, was discovered by you? A. I discovered a trespass in lot 117, same township, Totten & Crossfield purchase.

Q. Township 26? A. Township 26.

Q. What was the extent thereof, and by whom was it made, and when? A. In the winter—in the fall of 1893 and winter; well, it was the fall of 1893 the cutting was done; it was discovered in the winter of 1894; the cutting was done in the fall of 1893, and I discovered the trespass in the fall of 1894.

Q. Who was it done by? A. Owens.

Q. What Owens? A. John Owens, and Dougherty, Robert Dougherty, done the cutting; this was the timber that Patrick Dougherty sold them, the same piece of timber, that is what they said.

Q. What was the extent of that trespass? A. About a thousand markets, I think.

Q. And what was done by you in reference thereto? A. I reported it to the Forest Commission.

Q. What further? A. They instructed me to settle for 30 cents per standard log; I did settle with A. Johnson; he had bought the logs from those boys; I settled with him for that amount; he was to pay it the 1st day of May; I reported this to the Commission; afterwards Supt. Fox was at my house; Patrick Dougherty called on him and said that the price was too high and so on; he told Dougherty he would leave it with me to fix it up, or something of that kind; I didn't know it; I spoke with the colonel afterwards, that is, the superintendent, afterwards wanted to know what price he should make, and there never was nothing settled on in regard to it.

Q. And no settlement therefor has ever been made? A. Not that I know of; oh, yes, Kenyon & Baldwin this last winter; they had bought the logs from Johnson; they settled with the Forest Commission for the timber, 30 cents; I think it was 30 or 35 cents per log; 30 cents; settled with the Forest Commission or the superintendent.

Q. What sum, if any, was paid to you under that settlement? A. Not anything.

Q. Was anything further done by you, or by any one, in reference to that trespass? A. Not anything, in regard to that trespass, by me, and I don't know as by any one else.

Q. What further trespass, if any, have you discovered? A. I discovered a trespass on lots 63 and 64; I think it was township 27; yes, 63 and 64, township 27.

Q. Are those the only lots upon which a trespass was discovered by you in the 27th township? A. I think there was—I discovered another trespass.

Q. In connection with the trespass on lots 63 and 64? A. In connection with it? No; this was a different trespass by a different man.

Q. Well, what trespass did you discover to have been made on lots 63 and 64 of township 27? A. I don't remember now; it was small; I don't remember now the extent; it is on file in the office.

Q. When was that trespass made and by whom? A. It was made in the winter of 1894 by Hugh Lindsey.

Q. What was done by you in reference thereto? A. I reported it to the Forest Commission.

Q. Is that all? A. That is all.

Q. Was any settlement or prosecution therefor made? A. I think there was a settlement made, not with me though; there was a settlement, and Col. Fox told me that the logs had been settled for, that is the timber.

Q. Are you sure of that? A. I am quite positive; I am quite positive that he told me so.

Q. When did you discover and report the trespass made by Hugh Lindsey on lots 63 and 64, township 27? A. I think I have something here that will give me the dates, but I can give it to you near enough; it was either in August, 1894 or 1st of September, either the latter part of August or 1st of September.

Q. What instructions, if any, did you receive in reference to that trespass? A. I do not remember that I received any instructions.

Q. Over how many acres did you discover that that trespass was made? I couldn't remember now; there weren't a great many acres, it was a narrow strip of land was cut, over alongside of the old lumber road.

Q. Is that all the trespass that you discovered to have been made on lots 63 and 64, township 27? A. Yes.

Q. Was your discovery thereof made by personal visitation upon the lots? A. Yes, sir.

Q. And when did you visit there? A. The latter part of August or 1st of September, 1894.

Q. What was the condition of the lots at that time? A. The condition as to what.

Q. As to the timber thereon? A. Why the lots were well timbered with hard wood and some spruce, hemlock, balsam.

Q. Was there any indication of other destruction of timber upon those lots? A. There was no destruction of much timber, there had been a lumber camp right close by one of those lots, somebody set fire to it, and I would not be sure whether the fire had run on to any of those lots or not, but I think not.

Q. Is that all the information that you can give us in reference to that trespass? A. That is all; oh, I learned—well, I guess I gave you that, that the trespass had been settled for, I think I gave you that, that Col. Fox, the superintendent, told me that the trespass had been settled for.

Q. When did he tell you that? A. In the fall of 1894.

Q. With whom was such settlement, if any, made? A. To the best of my recollection he told me that Patrick Moynahan settled with him for this trespass, that is, that he paid it for Lindsey.

Q. What further trespass, if any, have you discovered on State lands? A. I discovered another trespass on 27.

Q. Township 27? A. Yes, I think lot 48 or 49.

Q. Which was it? A. I can not remember now.

Q. It was one or the other? A. It was one or the other.

Q. By whom and when was that trespass made, and when did you discover the same? A. I discovered it was made in the winter of 1894; I discovered it the latter part of August or 1st of September, 1894, made by George Minor.

By Mr. TEN EYCK:

Q. What lots are those? A. Either 48 or 49; we didn't take a surveyor to run out the lines; they admitted it was on State land.

By Chairman WILDS:

Q. You are sure of the lots on which the trespass was made, are you? A. Yes, I was satisfied.

Q. Did you personally visit the lots at the time of your discovery of that trespass? A. I suppose I was on the lots, I went into that locality, and I supposed I was on the lots.

Q. What was the extent of that trespass, and what was done in reference thereto? A. I can not remember the extent; it was small; I reported it to the Commission, and learned afterwards that it had been settled for.

Q. From whom did you learn the same? A. Superintendent Fox told me that the timber had been settled for.

Q. What settlement thereof was made? A. I do not know how they settled it.

Q. Had you anything to do with the settlement? A. I had nothing to do with the settlement; it was settled in the office down there.

Q. What further trespass, if any, was discovered by you on State lands? A. I discovered a trespass on, I think it was on 89, 26 township.

Q. Lot 89? A. Yes.

Q. When was that trespass made and when discovered; by whom was it made, and what was the extent thereof? A. I can not remember its amount, nor I can not remember exactly the time; I think it was about three years ago.

Q. In 1892? A. Well somewhere there, 1892 or 1893; the trespass was committed by Patrick Dougherty.

Q. What was the extent thereof? A. I can not remember now, it was small.

Q. What was done in reference thereto? A. I reported it to the Commission, and to the best of my recollection Colonel Fox, superintendent, told me the facts that Knapp had settled for the timber.

Q. Do you recollect having been told that by Mr. Fox? A. I wouldn't be positive that he has told me, but I am quite sure that he did; I remember quite positively that he did.

Q. Do you know anything about the settlement personally? A. I do not; I wasn't present at that settlement.

Q. What further trespass, if any, on State lands has been discovered by you? A. I discovered a trespass way down in Johnsburg in Hyde's tract, Hyde township; I don't know, I forget the number of the lot.

By Mr. TEN EYCK:

Q. What township is that? A. I think in the town of Thurman.

Q. What township I said—township 12? A. I think it was 39.

By Chairman WILDS:

Q. Lot 39? A. I think lot 39.

By Mr. TEN EYCK:

Q. What township? A. I do not see any township on this (looks at map); it is joining on township 12.

Q. Joining township 12? A. Yes.

Q. Lots what? A. Thirty-nine, I think.

Q. You think? A. Yes; I am satisfied it is 39.

By Chairman WILDS:

Q. Lot 39 of the Hyde township? A. Yes.

Q. In township 12 then? A. No, it is not in township 12; there isn't any township down here; Hyde township, no number.

Q. When was that trespass made, by whom, when was it discovered by you, and what was the extent thereof? A. I can not remember the extent; it was discovered, I think, in 1890, in the winter of 1890; the trespass was committed by a man by the name of Daggett.

Q. What was done by you in reference thereto? A. I reported it to the Forest Commission.

Q. Is that all? A. That is all.

Q. What further trespass, if any has been discovered by you on State lands? A. I discovered a trespass on township 21, lot 66; it was either 1891 or 1892, I think; may be 1890; I don't remember.

Q. What was the extent of that trespass, by whom made and when did you discover the same? A. I told you when I discovered it; I can not remember the extent; the trespass was committed by Charles Sebatas; he claimed to be a foreman of E. Butler, or doing the job; he cutting the logs for E. Butler.

Q. What is E. Butler's full name? A. Edward Butler, I think; Edward or Edmund; Edward, I think; he signs his name E. Butler.

Q. What was the extent of that trespass, and what was done in reference thereto? A. I told you I couldn't remember the extent.

Q. Was it small or large? A. Well, it was, I should say, six or seven hundred pieces, to the best of my recollection; I reported it to the Forest Commission; I seized the logs, reported to the Forest Commission, and had instructions to sell the logs to the highest bidder, and did do so.

Q. Will you state the particulars of your sale thereof? A. I advertised those logs.

Q. In what manner? A. By posting notice that they would be sold at public auction at such a day.

Q. Where were the notices posted? A. They were posted at Long Lake, different places in the village of Long Lake, and about there; I think there was a notice posted at the hotel out in the town of Minerva, and I think another in Minerva.

Q. What was the nature of your notice? A. They were typewritten, they were struck off in the office, dictated by the Superintendent of the Forest Commission; they were struck off and given to me to post.

Q. How many such notices were there posted? A. I can not remember now, there were quite a number.

Q. Half a dozen? A. I think there were as many as half a dozen.

Q. And what was the notice thus given? A. As near as I can remember that there would be sold at public auction so many logs on lot 56, township 21 on such a day at Helm's hotel on Long Lake at a certain hour in the day, and that there would be no bid accepted less than 60 cents per market log.

Q. And what was done by you thereupon? A. I sold the logs.

Q. To whom, and when, and for what price, and how were the same sold? A. They were sold; I can not remember now who did bid; I think it was a fellow named Barber bid in the logs.

Q. What was his full name? A. I think it was Lewis Barber; I think it was Lewis Barber; I think he bid in those logs for E. Butler.

Q. At what price? A. To the best of my recollection it was $62\frac{1}{2}$ cents; 62 or $62\frac{1}{2}$ cents per log.

Q. By log, do you mean per market? A. Market; yes.

Q. Standard measurement? A. Yes; 19-inch logs.

By Mr. WAGSTAFF:

Q. How many bids were there at that sale? A. I do not think there was any one else bid on it; there was a lot of people there, but I do not think there was any one else bid except this one man.

By Chairman WILDS:

Q. What payment was made therefor, and to whom, and when? A. The money, I understand, was paid to the office; I sent the report of sale and so on, and said as soon as the logs were measured, they were not measured at this time, Butler would send his check; I understood that they were paid for.

Q. From whom did you so understand? A. I understood from Burke, the inspector, and Fox the superintendent; the way that it was settled, there were other trespasses that I had reported of Butler's as being on State lands; I was shown the lines by an old man by the name of Sutton, a surveyor, that I supposed was the township line, but he didn't show me the right lot; and the Norwood Lumber company had bought those logs of Butler, and settled for those logs that I had reported as being on another lot in township 21 or 22, I think it was township 21; afterward Burke came up and we took Morse and went and looked; Butler disputed as to this other trespass being on State land, but the company settled with the Forest Commission for the logs as they made a demand; Burke came up and we had Morse go with us and locate the lot, and found that it was not on

State land ; then at this time the logs on 66 had not been settled for, and I do not remember which way the balance was, whether the balance was due Butler, or there was some balance due the State ; but it was fixed up in that way, the money that was paid by the Norwood Company and charged to Butler should not have been paid, and it was applied on the logs, in payment of the logs on 66.

By Mr. TEN EYCK :

Q. How did the Norwood come to settle ? A. How did they come to know it was on State lands ?

Q. No, no, how did they come to settle ? A. They settled before they knew whether it was on State lands or not ; I reported it as being on State lands ; Sutton went with me and followed the township line, and when I came to the corner he said that that was the lot, told me the number of the lot, that was the corner of the lot ; the next lot was not the State lot ; he gave me the wrong lot.

Q. You reported that ? A. I reported that.

Q. And upon that statement the Norwood Company settled ? A. Yes.

Q. They having, in the meantime, bought the logs from Butler ? A. Yes.

Q. But it was afterwards discovered that this was not on State lands ? A. Yes, then that money was credited up to Butler and applied on the logs that were cut on 66.

By Chairman WILDS :

Q. What is the location of the lot, and in what township for which trespass was charged against the Norwood Lumber Company or against E. Butler and settled for by the Norwood Lumber Company ?

A. It was along this line, one of those lots (indicating) well, I do not know the number of the lot.

Q. What was the extent of that trespass, and when was the same made ? A. I think it was in 1890 or 1891 ; I can not remember the extent.

Q. But the trespass was made by E. Butler ? A. Yes, his job.

Q. What was his name ? A. William Cullen.

Q. Are you certain as to the location of that trespass ? A. I am not certain as to the lot ; it was in township 21, along the line between township 21 and 22, but I do not remember the lot number ; well, it wasn't a trespass ; this is an alleged trespass you are speaking of ; it is a trespass that I reported as being on the State, and afterwards found not to be on the State.

Q. How much was paid upon the settlement for alleged trespass, on the settlement that you say was made by the Norwood Lumber Company? A. I do not know; it was paid at the office.

Q. Was any part of the settlement paid to you? A. No.

Q. What further settlement, if any, has been discovered by you on State lands? A. I discovered trespass on lot 112, township 21.

Q. Will you state the extent of that trespass, and by whom made, and when? A. I can not remember the extent; it was made the same year, 1890 or 1891, by E. Butler's jobber, Cross, William Cross.

Q. What was the extent of that trespass? A. I can not remember.

Q. What was done by you in reference thereto? A. I seized and sold the logs the same as the logs on 66, and at the same time.

Q. To whom? A. The same Butler.

By Mr. TEN EYCK:

Q. Who made this trespass? A. E. Butler; the logs were cut by Cross, Butler's jobber.

By Chairman WILDS:

Q. At what price? A. Same price, 62½ cents I think, that is my recollection.

By Mr. TEN EYCK:

Q. And were they reported in the same way and the same advertisement made? A. Yes, same way all through.

By Chairman WILDS:

Q. Was the same advertisement made of the intended sale of the logs thus seized? A. To the best of my recollection both lots were included in the same advertisement.

Q. And sold at the same place? A. Same place, same time.

Q. And the payment therefor was made to whom? A. It was settled in the same way as the logs on 66 by this money paid by the Norwood Lumber Company; I had forgotten about that or I might have given that all in together.

Q. What further trespass, if any, on State lands has been discovered by you? A. I discovered a trespass on lot 124, township 21.

Q. By whom was that trespass made and when, and what was the extent thereof? A. I can not remember the extent there was to different trespasses on that lot; one in the winter of 1890 and 1891, and another in the fall of 1893, by William Helms, Long Lake.

Q. What was the extent of that trespass? A. I don't remember the extent; it was small.

Q. What was done in reference to that trespass? A. I reported it to the Forest Commission and was instructed to sell the logs to whoever would buy them.

Q. Did you seize the logs? A. I seized the logs, yes; this is the first trespass in 1890, and advertised them for sale; I was instructed to sell them.

By Mr. TEN EYCK:

Q. You are speaking of the trespass in 1890? A. Yes; I advertised them for sale, the same as the logs in 66—the same kind of notice—and couldn't get no bidder; the logs laid there.

By Chairman WILDS:

Q. On the lot? A. On the lot, two or three years; and this Helms made an offer for the logs—they were dead pine—and I think it was 25 cents a log, and I reported it to the superintendent, and he told me to let him have them, and I did, and he paid that amount.

Q. How much did he pay? A. I think 25 cents per log; I don't remember how much it was, the whole; it was small.

Q. And when was that payment made and to whom? A. The payment was made to me in the summer of 1894.

Q. What was the amount thereof? A. I can not remember; I think that he paid me for that, and another small trespass on the same lot, he cut some timber for the school-house.

Q. When was that trespass committed? A. It was committed in the fall of 1893.

By Mr. TEN EYCK:

Q. Is that the second trespass you have spoken of? A. That is the second trespass, same lot; and I think it was \$32 that he paid me for the whole; that is my best recollection, about \$32.

By Chairman WILDS:

Q. What did you do with that money? A. I sent it to the Secretary of the Forest Commission, McCreedy.

Q. What further trespass, if any, has been discovered by you on State lands? A. I discovered a trespass on lot 108, the same township, 21.

Q. What was the extent thereof, when made, and by whom? A. I can not remember the extent; to the best of my recollection it was 75 markets.

Q. By whom made? A. Made by Robert Shaw, the elder up there; he is supervisor, and doctor, and blacksmith, and lawyer and justice of the peace.

Q. When was that trespass made, when discovered, and what was done in reference thereto? A. I think it was made in 1890; I reported the trespass to the Forest Commission and afterwards, two or three years, they commenced an action against them; he afterwards had an interview with the Forest Commission, and they instructed me to go on and investigate as to the amount; when I reported it some of the logs had been hauled, most of them I think, had been hauled and I couldn't get at the amount; and to the best of my recollection they instructed me to settle—no, for that trespass, he settled down there I was told at the office; he didn't pay me anything.

Q. When was that trespass discovered by you, and what investigation did you make as to the extent thereof? A. I answered as to the time, in 1890, the winter of 1890; I investigated, looked it over, and see the tops and stumps, and a few logs that were not hauled on one skidway, I think, and reported it to the Forest Commission.

Q. Well, are you certain as to the location to which you have referred to as made by Robert Shaw? A. Yes, I am sure of that.

Q. And as to the extent of that trespass, what have you to say? A. To the best of my recollection it was 75 markets, standard logs.

Q. Was any prosecution or settlement therefore made? A. He was prosecuted.

Q. What was done under that? A. I think it was settled; I don't know—I did know something more about it; after that the action was commenced; he met the Forest Commission and the superintendent; Garmon told me to go and look up the amount; go and investigate and learn the amount of the trespass and report; I done so; that is all I had to do with it.

Q. What further trespass on State lands have you discovered? A. I can not recall to memory now; I would say that all trespasses discovered by me have been reported and should be on file in the Forest Commission office.

Q. Have you copies of the reports made by you to the Forest Commission? A. Very few.

Q. What record have you, other than as contained in your reports to the Forest Commission, what record did you keep of trespasses on State lands discovered by you? A. I kept a memorandum, diary like, of each day, what I was doing; trespasses that I discovered and the amount of it.

Q. And what has become of that record? A. It is lost; I lost it out of my pocket up in township 10.

Q. Will you state the circumstances of your supposed loss thereof?

A. It was in my coat pocket, and I was up in there examining lands in the woods and carrying my coat under my arm I suppose it dropped out; I went back and looked for it, but it snowed the next day.

Q. When did that occur? A. In the winter of 1895, in February.

By Mr. TEN Eyck:

Q. Who was with you? A. I was alone, I was simply looking up, examining lands that the State proposed to buy up above Horicon—in that Horicon tract.

By Chairman WILDS:

Q. Did you have no other record of the trespasses discovered by you? A. None, except a very few that I had kept a copy of the report.

Q. Over what period of time did the record which you lost as stated, extend? A. It extended from the time of my appointment up to the winter, in February I think it was; February, 1895.

Q. Did you report to the Forest Commission all trespasses on State lands discovered by you? A. Yes, sir.

Q. Was such report made in writing? A. Yes, sir; I think the whole was made in writing, I might have reported some little trespass orally, but I think the whole was made in writing.

Q. To the Forest Commission or superintendent? A. Some of the time I guess it was addressed to the superintendent, and some of the time to the Forest Commission.

Q. Do you know of the receipt by the Forest Commission of all reports of trespasses made by you to them? A. Do I know of the receipt?

Q. Yes? A. I do not.

Q. Did you receive acknowledgment or other evidence of their receipt of all your reports of trespasses on State lands? A. I wouldn't be sure, I wouldn't be positive as I did of the whole.

Q. What was the purpose for which you made report of such trespasses to the Forest Commission? A. What was the purpose? I reported it for the purpose of letting them know that there was such a trespass, and that gave them an opportunity of instructing me what to do in the matter.

Q. And did you, in each case the report was made, did you receive instructions as to what to do in the matter? A. No, I didn't get instructions in each case.

Q. In what cases, if any, did you fail to receive instructions in reference to such trespasses? A. This Daggett trespass in the Hyde township I remember is one; I can not call to memory now any more.

Q. Have you stated in your evidence here this day before this Committee all the trespasses on State lands of which you have knowledge or recollection? A. I have stated all that I have recollection.

Q. Calling your attention to township 11, lots 15, 16, 17, 18, 32 and 34, what knowledge or information have you as to any trespass there committed on State lands? A. I remember reporting a trespass on one or more of them in township 11; I can not remember the lots **now**.

Q. Have you any knowledge or information of any trespass on those lots to which your attention is now called? A. Yes, I saw a trespass on some of those lots.

Q. Will you state the same in detail, and by whom, and when was the same made? A. To the best of my recollection the trespass was in 1893, and made by — this is the best of my recollection — John J. Wakeley; I don't remember the extent.

Q. Was it large or small? A. I think it was small.

Q. What personal inspection of those lots did you make at any time to discover the extent of the trespass of which you thus appear to have had information? A. I went in on to the lot myself; went on the lot myself.

Q. When did you go there? A. In the winter that the trespass was committed, which I think, to the best of my recollection, was in 1893.

Q. Have you been upon those lots since 1893? A. To the best of my recollection I have not.

Q. And as I understand that trespass that you then discovered to have been made was small? A. That is the best of my recollection it was small.

Q. What did you do with reference to that trespass? A. Reported it to the Forest Commission; the superintendent.

Q. What did you do to prevent further trespass upon those lots? A. I didn't do anything further; I think that was given to Haverstraw, the assistant warden, to go and look up; he was in there a good deal with a surveyor examining there; I understand it so; I understood he was in there, and Jake VanCisco, the surveyor.

Q. When did you understand that they were looking after alleged trespass on those lots? A. To the best of my recollection I understood that he was there in the winter of 1894 and 1895.

Q. Has any knowledge or information come to you of any extensive trespass upon those lots? A. It never has.

Q. What knowledge or information have you as to any trespass on township 14, lot 75? A. I found a trespass; I think, to the best of my recollection, it was on 75, in the winter of 1894.

Q. What was the extent of that trespass, and what was done in reference thereto, and by whom was the trespass made? A. I do not remember; I think it was 350 odd markets; Jack Bennett made the trespass.

Q. And what was done in reference to that trespass? A. I seized the logs and reported to the Forest Commission, and shortly, that is quite soon after Colonel Fox wrote me or Superintendent Fox wrote me that he was coming up to North Creek; I told Bennett and Bennett wanted to settle with me for the logs, and I told him I could not, would not; that if he would be at North Creek on such a day that he could see the superintendent, and if he could settle with him, why it would be all right; that he could settle with him if he wanted; he came to the hotel where Colonel Fox was, and I told the colonel that this Bennett was there and wanted to settle for those logs; he says "you know more about it than I do; do you think that it was a willful trespass or by mistake." I replied that Bennett said it was by mistake; that some man showed him the wrong line and that was all that I knew in regard to it; "well" he says, "do you think about 30 cents would be a fair price to charge him for the timber;" I says, "I do not; I think that he ought to be made to pay 35 or 40 cents;" well, I told Bennett then; well, he says, all right, or something to that effect; I went downstairs and told Bennett that we would charge him 40 cents per log for the timber, and the superintendent and I was on quite an extended trip to Long Lake, and we talked the matter over and concluded that we would not charge him but 35 cents per standard logs for the timber; it was settled for that; I wrote to J. C. Eldredge the man that he was selling the logs to, that he could go on and measure those logs and send me the bill of the measurement with his check for the amount at the rate of 35 cents per log; that I had authority to settle for that amount; he did measure them and sent me the bill of logs and his check for the same; I wrote to him to make the check payable to C. O. McCreedy, secretary, and I remember now he didn't; he made it payable to me and I sent it on, and they had to send it back to get the indorsement.

Q. What was done by you with the check? A. It was sent on to the Secretary of the Commission.

Q. Do you remember the amount of that check? A. I do not remember what it was now.

By Mr. TEN EYCK:

Q. What did they return it for? A. For my indorsement; it was made payable to me; in my hurry I put it in and didn't see who it was made payable to and I didn't indorse it, but sent it on, and the secretary had to send it back for my indorsement.

Q. Then you indorsed it and sent it back? A. I indorsed it and sent it back and Eldredge told me he got his receipt for the money.

By Chairman WILDS:

Q. From the Forest Commission? A. From the Forest Commission; I never gave any receipt; when any man paid me money I sent it on and wrote to the secretary to send this man a receipt for so much, for so many markets cut on such a lot.

By Mr. TEN EYCK:

Q. Did you always do that? A. Yes; I never gave any receipt for any money myself that I remember of.

By Chairman WILDS:

Q. Do you know of there having been 354 markets thus taken from that lot? A. I think it was 354 markets, I wouldn't be positive.

Q. Do you know how many acres of ground on that lot were cut over? A. I do not, I sent a surveyor, S. J. Palmer of Long Lake, I was very busy at the time, I sent to him to survey out the lot, what the State owned, and he did so, and sent me a diagram, and where the trespass was committed, and so on, a diagram of where the trespass was committed on the lot; and I sent it on to the Forest Commission; the State owns the whole lot except a very small piece in the north-easterly corner.

Q. And the trespass to which you refer was committed in what part of that lot? A. I can not remember now.

Q. What knowledge or information have you as to any trespass committed at any time by any person on township 16, lot 13? A. I found a trespass there last winter, a few trees on lot 13, I think between 40 and 50 trees.

Q. How many acres appear to have been cut over? A. Oh, I couldn't make an estimate; they were cut along the line of township 26.

Q. By whom was that trespass made, and what was done in reference thereto? A. By Charles Callahan the trespass was made; he done the cutting; I reported it to the Forest Commission.

Q. Is that all that was done in reference thereto? A. That is all that I done; I think the superintendent wrote me that they would prosecute Callahan, and afterwards told me that they couldn't prosecute him for the Comptroller would not allow them to, would not give his consent, and they couldn't commence any action; I was urging them to commence action against a number of these trespassers.

By Mr. TEN EYCK:

Q. And they told you the Comptroller would not allow it? A. Under the act creating the Forest Commission, they could not commence any action without the consent of the Attorney General and Comptroller, and I think to the best of my recollection they said they had the consent of the Attorney General, but the Comptroller refused.

By Chairman WILDS:

Q. The trespass to which you refer was made in the southeasterly part of lot 13, township 16, along the line of lot 120 of township 26? A. Yes.

Q. On which Charles Callahan was also lumbering; is that it? A. Yes; he had lumbered on 120, township 26, and come over the line there.

Q. What knowledge or information have you as to any prosecution or settlement thus made on lot 13 of township 16? A. I have no knowledge that there was any prosecution or any settlement made.

Q. What report, if any, did you make of your discovery thereof? A. I reported it just as I found it; so many trees—whatever the number was—were cut, and I think I have got a copy of that here.

Q. What knowledge or information have you as to any trespass committed by any person at any time on township 16, lots 21 and 22? A. I have no recollection of having any knowledge at any time of any trespass on 22; I do know that there were trespasses on lot 21, township 16; I could go on and explain that to you—the whole matter—quicker, I think, than you will get it; if you will allow me—

Q. All right—go ahead? A. I will commence by saying that Charles Callahan—this is an undivided lot, so that you will understand it—one-half is owned by the State, and the other half by Julia A. Kent, of New York; it is three miles long and a half a mile wide; Charles Callahan came to me and said he was about buying Mrs. Kent's interest in lot 21, township 16, from E. P. M. Lynch—he was agent—E. P. M. Lynch was agent.

Q. Was agent for Mrs. Kent? A. Was agent for Mrs. Kent or Miss Kent, I ain't sure which; I advised him not to buy anything from Lynch—that I didn't believe he was agent; and also told him

that it was an undivided lot, and could not be lumbered until that there was a division—that conversation occurred in the spring of 1894; he afterwards told me—

Q. When? A. In the same spring of 1894 that E. P. M. Lynch showed him a power of attorney—or said that he had a power of attorney—from Miss Kent, to sell her interest in this lot; I advised him again not to buy from Lynch, or to interfere with the lot until that there was a division; I told him that I couldn't allow it; I talked with Col. Fox, the Superintendent of the Commission, in regard to this undivided lot; he says, "they can go on and lumber it, and we can not prevent them; they can lumber it and pay to the State a half of the proceeds of the lumber that would be cut on it, and we can not prevent them—the law will allow them to do that;" I spoke to him about dividing it; he says, "we are willing to divide, and if there is a division you can represent the State, to see that it is fairly divided;" I learned later that Callahan and Owens had built a lumber camp on this lot and were cutting; now I will show you what I wrote to Fox in regard to that—I think you had better see that (reading)—"Charles Callahan has built a lumber camp on lot 21, township 16, Totten & Crossfield purchase, and has commenced cutting timber on the lot; I wish you would come up or send Mr. Burke; this lot is an undivided lot; please instruct me as to what I shall do;" I think I never got no instructions what to do; after some little time—I got no instructions—I told Callahan they must quit and leave the lot until I got instructions, and they did stop.

Q. When did you tell them so? A. I don't remember now.

Q. At the time of your communication to Colonel Fox what was the extent of the trespass which you discovered they had made on lot 21, township 16? A. I hadn't ascertained the amount.

Q. Did you at any time ascertain the extent of the trespass committed by them on the State land of lot 21, township 16? A. No, I never have learned the extent of it.

Q. Have you ever done anything any further in reference to that trespass? A. I never have; I couldn't do anything more.

Q. Do I understand you to state that you have no knowledge of any trespass committed on lot 22 of township 16? A. I have not; I haven't traced the line between 21 and 22; there might be some of this trespass over on to 22, but I do not remember now as to that.

Q. Did you ever go upon lot 21 at the time of the trespass to which you refer, or since then? A. I do not think I did.

Q. Or upon lot 22? A. No, I do not think I was on lot 22; I had no occasion to go to 22.

Q. And you have no knowledge or information as to the acreage cut over or the amount of timber cut, or as to what was done with that timber? A. On 21? I have no knowledge as to the amount of acreage that was cut over; as to the amount, I think Callahan, to the best of my recollection, John told me that he cut about three thousand pieces, cut and skidded 3,000 pieces.

Q. Wasn't your information that it was over five thousand pieces? A. No; Callahan told me that it was about three thousand pieces.

Q. And when was that information received by you? A. In the fall of 1894.

Q. Many months after the alleged trespass was committed by them? A. No, just about the time that I told them that they must leave the lot.

Q. And the trespass to which you have referred as being made by Callahan and Owens was made by them on lot 21, township 16, in the spring or winter of 1895? A. No; made in the summer of 1894.

Q. And you never discovered it until 1895? A. Yes; discovered it then. This letter reporting it is written at the time that they were there, about the time they got their lumber camp built; the date of my communication to Col. Fox in reference to this trespass was August 30, 1894.

Q. No transaction or settlement for that trespass has ever been made to your knowledge? A. Not to my knowledge.

Q. Or as you are informed? A. Nor as I am informed.

Q. What was done with the timber cut from the State lands? A. I understand they lay there on the skids yet in the woods.

Q. Was any part of that timber cut from that State land removed? A. Not to my knowledge.

Q. Or as you are informed? A. I am informed that it never has been removed.

By Mr. TEN EYCK:

Q. Do you know whether any other forester was put in charge of that after your notice? A. I suppose that the forester now has charge of it.

Q. But no one assigned to it that you know of? A. No; not while I was in the employ of the State.

By Mr. WILDS:

Q. What knowledge or information have you as to any trespass committed by any person at any time on lot-20 of township 16? A.

I have no knowledge that there has been, not that I recollect of, not so far as being committed on lot 20 is concerned.

Q. Do you know of any timber having been cut from lot 20, township 16, by any person whomsoever? A. It would be my best impression that I sold W. H. Baker some dead cedar on 20, township 16

Q. When, and by what authority, and under what terms? A. By authority from Col. Fox, Superintendent of the Forest Commission.

Q. What knowledge had you as to any dead cedar upon that lot? A. I have been over the lot; I had lumbered the lot myself years ago before it become State; owned the timber on it; it was in the winter of 1894; I had instructions from Col. Fox, superintendent.

Q. Will you state the circumstances of sale, and the time thereof, of any timber upon lot 20 to W. H. Baker? A. It was in the winter of 1894 that I sold some dead cedar to W. H. Baker, to the best of my recollection it was on lot 20 of township 16.

Q. What were the circumstances of your sale; who were present at the time thereof, and what conversation occurred? A. I think his clerk was present in the store when I told them; first he wanted to buy this; I told him that I wouldn't sell it to him, not till I either saw or heard from the superintendent, and had instructions to do so, though we had had instructions before this to sell dead cedar and were selling it, as I understand; every forester was doing it; I saw Col. Fox shortly after and told him Baker wanted to buy the dead cedar on this lot in township 16; he says, "you can sell it to them for 30 cents per market log;" and I asked him then in regard to the measurement of those logs; I says, they will be cutting those logs and hauling them down to the mill, and they may be some number of days doing it, I cannot stand there and measure those logs, what will we do about it; he says, "can Baker get some man to measure the logs that you can trust, is honest;" I says, I suppose he can; it was decided when I sold the logs to Baker that a man by the name of Rexford, I think his name was Samuel Rexford, I wouldn't be sure of his first name, would measure the logs; and that he was to pay 30 cents per log, market log, for all the dead cedar that he cut on that lot, and pay according to Rexford's measurement; in the spring, I guess, or the fall some time, I do not know but it was the summer of 1894, that he paid for the logs, and I sent the money that Baker paid down to the Forest Commission; I will tell you how it was paid; I sent my own individual check for the logs; I was doing business with him; he keeps a store there; and he credited me up with the amount on the books, and whatever the amount was I then sent a check to the Forest Commission.

Q. What was the amount? A. I think it was \$51 or \$52 or \$53, somewhere along there

Q. And that check of yours was sent to the Forest Commission—when? A. Some time during the summer of 1894, as soon as I got the measurement.

Q. What knowledge or information have you as to live cedar having been cut under the alleged authority to cut timber on that lot?

A. I saw some cedar; I went in there once when he was cutting and saw some cedar that was green down at the stump, but up ten or fifteen feet or such a matter the rest of the tree was dead; I spoke to Supt. Fox in regard to that; I told Baker that he must not cut any more that was green; I spoke to Supt. Fox and he says, "if the tree is partly dead it will die in a short time, will be dead; you might as well let him cut that class of tree;" and I told Baker, I said, "then anything that is dead down part way you may cut."

Q. Do you know how many green cedar trees were cut on that lot under your alleged authority to William H. Baker? A. I do not.

Q. Would you be surprised to know that 276 green cedar trees were cut on that lot by him by actual count? A. I would be surprised that there were so many, but I never went and looked it over.

Q. How many trees altogether did he cut from that lot? A. I do not know; I took the measurement as his man measured it; I did see that there had been some green cedar cut, and I reported that at once to Col. Fox; he says, "you didn't sell Baker any green cedar?" I says, "no, sir;" "well," he says, "then if Baker has cut any green cedar he is liable for trespass;" something to that effect; he never instructed me to go and investigate it.

Q. Have you stated all that you know in reference to the cutting of timber on lot 20, township 16? A. I have, all that I can recollect now.

Q. What knowledge or information have you as to the acreage cut over on that lot? A. I have none; I have not been on the lot since the cutting was done.

Q. What knowledge or information have you as to the number of markets taken from that lot? A. The knowledge is by the marker's measure, the measurement of the logs, his bill.

Q. What is his name? A. Rexford, I think it is Sam.

Q. Of what place? A. He lives there in the town of Johnsburgh; he did live there; I guess he is there yet.

Q. Did you profess to give to W. H. Baker any continuing contract for the cutting of timber of any kind from that lot? A. I did not; I think I sold him what timber, dead cedar, that there was on this lot, or any State land we had in there.

Q. Anywhere around? A. Well, in that township and locality; there was a swamp ran through, and I guess it ran across from one lot to the other, and I says we won't go to the expense of running those division lines, it will cost more than the timber is worth, and it makes no difference as long as it is on State land, and we are selling the dead cedar, why you can cut the dead cedar wherever you find them on those State lots.

Q. What authority by law do you profess to have had for that transaction with W. H. Baker? A. I do not know as there is any authority by law; I do not know that I ever saw any law that would give the Forest Commission that power or authority.

By Mr. TEN EYCK :

Q. Do you know any law that would prevent it? A. No; I know they made a practice of it, and I had my authority from the superintendent before I gave Baker any authority to act.

By Chairman WILDS :

Q. What knowledge or information have you as to the cutting of any timber from the Gospel and School lot, township 17, by any person at any time? A. I went on to the Gospel and School lands of township 17 with A. C. Hall in 1881 to look over the timber on those lots; he said he was going to lumber and cut the timber on the Gospel and School lands of township 17; there was no Forest Commission then; and that he was going to cut the timber on it, that he had bought the timber from T. C. Durant; I learned from hearsay after that he did cut the timber, or cause it to be cut, on the Gospel and School lands, and sold the logs to the Morgan Lumber Company.

Q. In the year 1881? A. The cutting was done, I think, in the fall of 1881 and the winter of 1882.

Q. What knowledge or information have you as to any other cutting of timber on the Gospel and School lot, township 17? A. I have none.

Q. That lot, as you understand, belongs to the State? A. I do not understand that that belongs to the State; our map only shows 800 or 900 acres in township 17 belonging to the State.

Q. You refer to the map? A. That map shows it, but I think the report that I have got, the Forest Commission report that I have got containing the list of State lands in township 17, I think, does not call for the Gospel and School lands, that is, there is no list of the State's owning them.

Q. What report do you refer to? A. Well, I have the reports I think from 1885 up to the last report.

Q. And you state that in none of those reports is the Gospel and School lot of township 17 claimed by the State? A. I wouldn't be positive.

Q. Do you know of any trespass by the cutting or hauling of timber from the Gospel and School lot of township 17 permitted by any person during the time of your holding office as a forester? A. I do not.

Q. Have you ever had any information thereof? A. I have not.

Q. What knowledge or information have you as to any cutting or hauling of timber, or other trespass, committed by any person at any time on lot 112 of township 21? A. One hundred and twelve; I have just given you that; some logs I seized of Butler's, sold them at public auction at the same time I sold the logs on 66.

Q. Do you know of any trespass committed on lot 112, township 21 by any person other than William S. Cross for E. Butler? A. I see some wood, some hard wood cut, a few trees of hard wood cut there afterwards; I don't know who cut them.

Q. Have you knowledge or information of timber having been cut or hauled from that lot by W. W. Cole or A. T. French for yourself or any other person? A. I have not.

Q. At any time? A. That is the best of my recollection, I have not; if I have it is reported.

Q. What is the extent of the trespass on lot 112, township 21, of which you have knowledge or information? A. Well, I have stated before that I do not remember as to the amount or the extent of the trespass; it is on file in the office.

Q. Did you ever personally examine the lot to ascertain the extent of the trespass? A. I did at the time of the Butler trespass.

Q. Can you state what the acreage was that was cut over on that lot? A. I cannot remember now.

Q. Would you acknowledge that there were 150 acres at least cut over on that lot? A. No, there wasn't—I am satisfied there was no such amount of acreage cut over.

Q. How many acres would you estimate to have been cut? A. That is, that had been cut over by Butler? they had been cutting on that lot for the last 30 years, Long Lakers, and I do not know but the last 40 years, it is a very convenient lot, one can run in and cut a few logs and another cut a few logs; I would correct that when I said I was satisfied there was no such amount of acreage; I would say probably that the whole cutting that had been done on the lot, I don't know

whether the State owned it at that time or not, it probably all was 150 acres ; they had cut over most of the lot.

Q. What was the extent of the cutting in the number of markets which you had knowledge of, or information of on that lot? A. I stated before I can not remember, they are on file in the office.

Q. At least 1,000 markets? A. There wasn't as large an amount as that.

Q. What knowledge or information have you as to any cutting or hauling of timber from lot 71 of township 25? A. I found one skidway, or the most part of one skidway ; I think some of them was cut on 120 of township 26, and the balance on 71 ; the lots join ; they are skidded —

Q. What did you do in reference to that trespass and by whom was that trespass committed? A. I reported it to the Forest Commission ; it was committed by Charles Callahan and I think John Owens was partner with him, I wouldn't be certain though.

Q. Was anything further done in regard to that trespass? A. I notified Kenyon & Baldwin not to put their brand on those logs, that they were State, not to remove them.

Q. What was the extent of that trespass, that is, what acreage was cut over and how many markets were cut? A. Oh, I didn't look as to the acreage ; I counted up the pieces of the logs on the skidway, the snow was deep at the time I found them ; I don't remember the number of pieces, I think there was upwards of 200, that is the best of my recollection.

Q. Would you say 250? A. There may be, I couldn't say now ; there were some of the logs on the skidway that came off from 120, and of course then I counted the stumps on 120, and tried to make an estimate and divide them up.

Q. That is 120 of township 26? A. Yes, 120 of township 26 ; that wasn't a State lot.

Q. What statement have you to make in reference to timber cut from the State land of lots 117, 118, township 26? A. I will have to take them separate because they are different ; 117 ; in the fall of 1893 Patrick Dougherty asked me if the State owned the whole of 117 ; I looked my report and map over, and told them that I had nothing to show that the State did own the whole ; that there was 56 acres through the center that was white on the map, and I had nothing in my report or list of State lands showing that the State owned that 56 acres.

Q. But all the rest of that lot belonged to the State? A. Yes, belonged to the State.

Q. And you simply were in ignorance of the State's ownership of that 56 acres? A. Yes, they went on cutting, John Owens and Robert Dougherty went on and cut that timber on this 56 acres through the center of 117; I sent for a diagram, sent to the Forest Commission office for a diagram of what the State owned in 117 and 118. They sent me a diagram, and I talked with Mr. Morse, a surveyor, about going to survey out what the State did own in 117; and, to the best of my recollection, Mr. Morse said that the diagram was not right, and also Henry Bradley told me that the diagram of 118 was not right.

By Mr. TEN EYCK:

Q. Did Morse claim to own any of this, or to have owned it? A. Dougherty showed me a receipt that he had bought, he said, from Morse; if I remember right, on the back of the receipt was written, "I sell and assign all right, title and interest in this receipt to Robert Dougherty for the consideration of \$50. Signed, O. B. Morse." The receipt had been taken by Morse from some man, I think two years previous to that for the timber, for moneys that he had paid for the timber on this piece of the lot in 117, that is as I remember it.

By Chairman WILDS:

Q. Then that writing which you saw did not purport to transfer any title or interest in the timber on lot 117 or 118? A. One hundred and seventeen this was; no to the best of my recollection it did not.

Q. It sold the receipt? A. Sold the receipt.

Q. It was so much waste paper? A. Yes.

By Mr. TEN EYCK:

Q. That is, in your opinion, it was waste paper? A. Yes, that is my opinion; and when I got those diagrams, to the best of my recollection Morse told me that the diagrams were not right, that he did not want to go on and make a survey on those diagrams, and Henry Bradley said that he was certain that the diagram of 118 was not right. Well, as I was in Albany a few days after, I told Colonel Fox that they claimed those diagrams were not right; he says, "it is all I can give you"; I says, I will go to the Comptroller's office, and see what I can find there;" I went over and met Captain Sanger, and he told me that the State owned all of lot 117. I says, "I have nothing to show that they do;" he picked up a deed, and says, "there is a deed that has just come back from being put on record, we have bought it recently;"

well, I went back to the Commission office and reported that the State owned it, and the logs were all cut and skidded; well, Secretary McCreedy was there; Superintendent Fox was not there in the office at that time; I says to the secretary, "what shall I do?" he says, "go on and seize the logs and sell them;" I says, "that is not fair; those men are innocent parties, and cut those logs not intending to do any trespass, and as you are about selling State timber now at the rate of 30 cents per log, I think it would be fair to charge them the same amount that you are selling State timber for."

Q. What kind of State timber were they selling? A They had commenced to advertise State timber under some law, spruce and tamarack and poplar; spruce and tamarack were to be cut down as low as 12 inches in diameter, 3 feet above the ground; the poplar the Commission used their discretion in regard to the size, if I remember the act; I saw it; "as" I says, "you are about selling State timber now for 30 cents per market log, I think that they should be charged the same and let them take their logs;" "well," he says, "do that, do so;" I came back and told Patrick Dougherty; well, he said to me not to say anything about it for two or three days till he got his money out of it, and that, after that, he didn't care whether they were State or not; I says, "I can not do that, Dougherty; Johnson is interested in those logs; I am going right over to the store (it was within a few rods of the store); I am going over and report it to Johnson now that those logs must be settled for and paid for;" and I did, a very few minutes after; reported to Johnson that those logs were State logs, and that I had authority to settle for 30 cents per market log; he says, "all right, we will pay that; now," he says, "I don't draw my money from Kenyon & Baldwin until about the 1st of May; I have sold the logs to Kenyon & Baldwin and don't draw my money from them till about the 1st of May, and then I will pay this 30 cents per log;" I think the rest in regard to 117 is all in there, where Dougherty met Colonel Fox at my place afterwards; and that Kenyon & Baldwin paid; now in regard to 118 my description in the report was so mixed up that the surveyor would not go on and make a survey; said he could not; and I had sent out different times to the office for a diagram of what the State owned in this lot, to give me the number of chains and the different directions and so on, and didn't get it until they sent it along at the same time they sent a diagram of 117; Henry Bradley said it was not right; he said that he had a warranty deed of 60 acres, first that there should be 60 acres taken off from the north part that he didn't claim, then that he owned 60 acres, and that the State owned the balance

of the south part; well, two or three years previous to this I had examined Bradley's 60 acres, as he had offered it for sale to the Forest Commission, and sent in a report on it, and we accepted his offer; but they didn't close up a trade; he wouldn't let them have it afterwards; he found out that there was more timber than he supposed there was, and they didn't take it; so that I had no doubt but what he owned it; and when he sold the timber on it, I aint sure whether it was 1892 or 1893, probably 1893, I went over to see whether they were going over on to this south part that the State owned, and I found an old line established, it had been there several years, and supposed that was the right line, and allowed them to cut up to that line; afterwards I went with Morse, the surveyor, and we measured off what the State claimed in the south half, 126 acres, it would reach over this old line about 8 rods on to what Bradley claimed, but the cutting had been done before; the State also claims 15 acres in one corner of Bradley's, it would be in the southwest corner, I think, of Bradley's 60 acres; Bradley says they don't own it, that he has got a warranty deed since '57, I think it is '57, of that 50 acres, had always paid the taxes and so on; the dispute is there, as to the title I don't know; but I allowed them to cut up to this old line which is only 8 rods over; but if the State owned 126 acres; and if Bradley owns 60 acres in the north half, and the State 60 acres, that calls for 10 acres more than there is in the lot; there is only 236 acres in the lot.

Q. What did you do when you had it surveyed and found they had cut about 8 rods over the survey? A. I sent the diagram and report — they hadn't cut over the survey; they had cut up to the old line.

Q. But the old line was over the survey? A. The old line was 8 rods too far south to leave the State 126 acres which the State claimed.

Q. When you found that according to this survey, Morse's survey, that they had cut over, what did you do? A. I had a diagram made of the lot and survey showing where the cutting and everything was, and sent it on to the Commission.

By Chairman WILDS:

Q. And what further was done in reference to that trespass? A. Nothing that I know of.

Q. Was any settlement therefor ever made? A. Nothing that I know of.

By Mr. TEN Eyck :

Q. And did you explain the facts fully to the Commission? A. Yes, there seems to have been a dispute.

Q. As you have stated it to us? A. Yes, I explained it to them just as I have to you.

By Chairman WILDS :

Q. By written report? A. I think there is; when I sent on the diagram I sent on, of course, a written report.

Q. Did you discover that 600 market logs had been taken from lot 118 of township 26? A. I did not; I don't know how many markets; there wouldn't be but 8 acres in this 8 rods; if it is State, then there are 15 acres that are in dispute; there could not be any 600 markets on that amount of acres.

Q. Have you knowledge or information of 70 acres of State land of lot 118, township 26, having been cut over and the timber taken therefrom? A. I haven't any knowledge of that amount of acres; Callahan and Owens' 163 markets were taken off 118.

Q. Have you any knowledge or information of at least 600 market logs having been cut and taken from the State land on that lot? A. I have not.

Q. What knowledge or information have you as to any timber cut or taken from the State land of lots 28 and 29 of township 26? A. To the best of my recollection, Mr. Burke and Morse and myself looked up a trespass on lot 28, I think those were the lots, 28 and 29, 26th township, in the spring of 1889.

Q. What knowledge or information have you in reference to any later cutting or taking of timber from lots 28 and 29 of township 26? A. I do not remember of any knowledge now that I have of any later trespass.

Q. Do you know or have you information of a trespass upon those lots having been made? A. I do not; I have no recollection now of any trespass being committed there.

Q. By whom was the trespass committed of which you have knowledge or information? A. If I have the lots correct, it was committed by Thomas Flynn and Charles Callahan.

Q. In the year 1889? A. In the fall of 1888 and winter of 1889, I think that was the year, or 1890; I think it was 1889.

Q. What was done with reference to that trespass? A. Faxon and Knapp settled for that trespass, I understood, with Mr. Burke before they did with 49; but they settled that, and a batch more, I understand, at some time.

Q. Have you any personal knowledge of any settlement having been made? A. I have no personal knowledge; I understand they paid \$1.25 per market log.

Q. What knowledge or information have you of any timber having been cut or taken from the State lands of lots 2 and 3, township 26, and lots 32, 41, 42, 52, 53, 62, 63 and 64 of township 27, all of which lots adjoin? A. Sixty-three and 64 I have given you those, as to what I know of trespass on those lots.

Q. But you have no knowledge or information as to the trespass on the other lots I have mentioned? A. I have no recollection now; you have got in 46, have you?

Q. No. (Stenographer reads question.) A. I have knowledge of logs being cut and taken away from lots 32, 41, 40 and 38.

Q. Of what township? A. Township 26.

Q. I am speaking of township 27? A. Oh; I have no knowledge of any trespass in township 27 that I recollect of, except those lots that I have given you, 63 and 64 and 48 and 49, whichever of those lots that the minor trespass was committed on.

Q. What knowledge or information have you as to any timber cut or taken from the State land of lot 36, township 27? A. I have no knowledge that I recollect of.

Q. Or information? A. Or information.

Q. What knowledge or information have you as to any timber cut or taken from the State lands of lots 6 and 7, township 27? A. In looking over the map, I think I found some trespass committed on one or both of those lots in 1890.

Q. To what extent, and by whom, was that trespass committed? A. That trespass, to the best of my recollection, the amount was about 300 pieces; I wouldn't be positive as I am right on that; they were cut and skidded by Howard Bissell, of Newcomb.

Q. In what year? A. To the best of my recollection it was in 1890, the winter of 1890.

Q. Have you knowledge or information of any later trespass on lots 6 and 7 of township 27? A. It seems as if there was a trespass committed thereafter on 7, but I haven't any recollection of it now.

Q. What did you do in reference to that trespass? A. I seized the logs, and was instructed afterwards to go and measure the logs by Superintendent Garmon, as he said he had sold them to P. Moynehan; I measured them and sent the bill of logs on to the Forest Commission.

Q. Have you any other knowledge or information as to any trespass upon lots 6 and 7, township 27? A. Nothing that I recollect of now.

Q. What knowledge or information have you as to any timber cut on the State land on the 352 and 500-acre lot of the Russell tract of township 29? A. I have no recollection, that I know of, of any trespass being committed on those lots.

Q. Nor of any timber being cut and taken from the State land on those lots? A. No; they were way off from me, a long way, down towards Wellstown.

Q. What knowledge or information have you of any timber cut or taken from the State lands of lots 1 and 2 of the gore south of township 11? A. About a trespass on them; we had an inspector over in there for some time; I rather left that country with him to look after lately.

Q. What knowledge or information have you of any timber cut or taken from the State land of lot 10 of the gore south of township 31? A. I haven't any recollection or knowledge of any trespass there.

Q. What knowledge or information have you of any timber cut or taken from the State land of the Gospel and School lots of township 32? A. I haven't any knowledge—

Q. Or information? A. Yes, I have knowledge that the Gospel and School lands were lumbered in township 32 before it become the property of the State.

Q. Hasn't the Gospel and School lot of township 32 always belonged to the State? A. I am told not.

Q. When were you so informed? A. In the fall of 1894, Superintendent Fox and myself were at Indian Lake, when Mr. Hosea G. Locke said that Lynch and Durfee had been there and had said that they were going to commence an action or something for his cutting the timber on the Gospel and School lands of 32.

Q. Who said this? A. H. G. Locke said to the superintendent and myself; the next morning, at North Creek the superintendent told me that he had been looking over the reports, and he says, "I find that this lumber"—we asked Locke when he had done the lumbering—that, this lumbering had been done some years before it had become the property of the State, for he spoke about the date that it become the property of the State; I have got a report that will tell; that is all the knowledge I have as to that.

Q. And when do you understand that the Gospel and School lot of township 32 became the property of the State? A. I can not recollect.

Q. Was it before 1890? A. I can not recollect.

Q. Have you knowledge or information of any timber cut or taken from that lot since 1890? A. I do not remember—I have no recol-

lection as to when the cutting was done, but to the best of my recollection it was done before 1890.

Q. Were you upon the lot at any time during your continuance in office as forester? A. I don't know; I think I have with Inspector Burke.

Q. When? A. In the summer, I think, of 1893—I wouldn't be sure, for I do not know where the line is, but I think that in rowing up the lake, I know we were talking about the Gospel and School lands with Locke—something about the lines—whether we were on the lot or not I don't know.

Q. When was the timber cut by Hosea Locke upon the Gospel and School lot of township 32? A. I don't know.

Q. Do you know of his having cut or taken timber from that lot? A. He said he had—that is all I know.

Q. To what extent did he admit having taken timber from that lot? A. I don't remember.

Q. Do you know what acreage was cut over by him? A. I do not.

Q. Do you know how many market logs were cut and taken from that lot? A. I do not.

Q. What, if anything, has ever been done by you in reference to the trespass on that lot? A. I have done nothing, for I didn't know that there was any trespass.

Q. What knowledge or information have you as to timber cut or taken from the State land of the southeast quarter of township 32? A. The southeast quarter, I see there is some few trees cut on the southeast quarter, with Mr. Burke as we were tracing out the lines there, in, I think, the summer of 1893, I don't remember, he made a minute of the number of trees that we found, Inspector Burke.

Q. What knowledge or information have you of timber cut or taken from the State land of lots 97, 98 and 99 of township 60? A. I don't recollect now that I have any recollection; I reported some trespass in that locality, but I do not know that it was on township 50, I think not; it is well down that lake, Long lake.

Q. What knowledge or information have you of the cutting or taking of timber from the 1100 acres of State land in the northwest corner of township 32? A. I do not recollect that I have any knowledge.

Q. Or information? A. Or information; the southeast quarter is undivided.

Q. Have you knowledge or information of timber cut or taken from southeast quarter of that township 32? A. I told you what I had there, that Burke and I found some trees, and he made a minute of it in 1893.

Q. And that is all that was ever done in reference to that trespass?
A. I do not know that there was anything more done about it.

By Mr. TEN EYCK :

Q. Burke was the inspector? A. Yes, sir.

Q. And he was over you? A. Yes, sir; he made a minute of it that is an undivided piece.

By Chairman WILDS:

Q. What knowledge or information have you of any timber cut or taken from the State land of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of township 14? A. In which survey?

Q. In either survey of that township? A. I do not recollect now that I have any knowledge of any trespass being done on those lots.

Q. In either survey? A. The State does not claim all those lots.

Q. In either survey of township 14? A. In either survey.

By Mr. ELDRIDGE:

Q. The State does not own those lots now, does it? A. They don't own them all; they claim some; some are painted red here (indicating on map); I do not know in the report whether they claim any of them or not.

By Chairman WILDS:

Q. What knowledge or information have you of any timber cut or taken from the State land of subdivision 7, great lot 82, of the Glenn, Bleecker & Lansing patent? A. I have no knowledge or recollection of any timber cut or taken from the State land there; it was rather out of my locality.

Q. What knowledge or information have you of timber cut or taken from the State land of lot 11 of the gore south of township 31? A. I haven't any knowledge or recollection of any timber being taken from that lot.

Q. What knowledge or information have you of any timber cut or taken from the State land of lots 32, 33 and 35 of township 11? A. I reported some trespass on one lot or more there, but forget now the number of the lot, in township 11, I couldn't say whether it was those lots or not; I could answer all of those questions by saying to you that all trespasses that I have any recollection of knowing anything about, or ever had information that there was trespass, has been reported, and should be on file in the Commission office, all trespasses that I know anything about have been reported to the Forest Commission office; I

also would say that there may be some small trespasses that have never been reported that was committed under my administration, for the reason that we were cautioned in regard to our expenses to go off into the woods, we couldn't find those lines and corners and so on, and locate the lots unless we had a surveyor with us, which was very expensive; and the superintendent told me that there was no appropriation made for surveys, and that we had got to be careful in regard to our expenses.

Q. What knowledge or information have you of any timber cut or taken, between the years 1892 and 1894, from the State lands on the Sacandaga River, town of Johnsburg, township 11? A. I have gave you all of township 11 that I know anything about, or have any recollection that I know anything about; I have understood that Haverstraw, the assistant warden, has been in there and looked that country thoroughly over with a surveyor.

Q. You never made any personal investigation with reference to any trespass in that neighborhood? A. I did at one time, went in on to one lot, I forget the number of the lot, found some trespass, they told me what was the number of the lot, and I reported it.

Q. When was that? A. I think the winter of 1893, that is my recollection, it was in the winter of 1893.

Q. By whom was the trespass committed that you profess to have discovered? A. To the best of my recollection it was committed by John J. Wakely; I think you have got that before.

By Mr. TEN Eyck:

Q. Did Daniel Lynch ever notify you of any trespass that he claimed was being committed, or had been committed, on any of the State lands in the Forest Preserve? A. He did not.

Q. Or that he had any knowledge or information of? A. He never reported to me anything of that kind.

Q. Did he ever make any report of any trespass to you whatsoever? A. No, sir; not one.

By Chairman WILDS:

Q. Have you ever known of the penalty established by law for trespass upon State lands being enforced? A. I have been told that it was enforced and a judgment entered for the full penalty.

Q. In what case and when? A. I don't remember the year, it was Bent & Turner, the judgment was obtained against Bent & Turner, I think I saw it in the newspaper and also was told by Superintendent

Garmon and Col. Fox, that they had obtained a judgment for the full penalty.

Q. When was this? A. I would say that it was about 1892.

Q. Where was that trespass committed? A. It was off up in Franklin county somewhere, I do not know the lots.

Q. Out of the territory covered by your duties? A. Yes, sir; unless I was sent there on some special business, some special purpose, I never went up in there.

Q. Have you knowledge or information of trespasses committed on the State lands of other lots or townships than those to which I have called your attention? A. I haven't any recollection now of any trespass in the other lots, but I presume there is, and I cannot recollect.

By Mr. TEN Eyck:

Q. That is, you presume you have reported other trespasses? A. Yes, more than I testified to here to-day that I cannot recall to my memory.

By Chairman WILDS:

Q. And have you no records from which you can testify? A. I have not.

Q. Isn't a trespass on State lands a matter of general knowledge in the community where the same is committed, or where the man doing the work may live? A. There is many trespasses committed on a great deal of State land where there don't any one live in that community or near there.

Stenographer reads question:

Chairman WILDS.—I want a better answer than that. A. I couldn't say what their general knowledge is; they certainly won't give their knowledge to a State officer, if they have got it.

Q. Upon what were you accustomed to rely for your knowledge or information of trespasses on State lands? A. I relied principally on men that had some spite against the trespasser, had a fight or something, got a black eye, then in order to get satisfaction he would report the trespass to me; I invariably found that where there was a trespass reported to me that it was through spite.

Q. Well, was knowledge or information of trespass upon State lands only obtained by you in case of bad blood being spilled between your neighbors? A. My neighbors; I don't understand that; I say that I invariably, not each and every time, but as a rule, where there was

a report made to me of a trespass, that it was made through ill-feeling and spite against the trespasser.

Q. Did you rely for information or knowledge of trespasses upon State lands upon such reports as might be made to you, or complaints thereof, by individuals? A. I didn't rely entirely upon that; no.

Q. Upon what else, if anything, did you rely? A. I relied on my information by making inquiries as to where the different lumbermen were lumbering, and on what lots they were lumbering, and if there was State lands adjoining them or near by; then very often I went and made a personal examination to see that they didn't cut over the line, or see if they did cut over.

By Mr. TEN EyCK:

Q. If you couldn't tell the lines, what did you do? A. If I made an examination personally; if I suspected that they had cut over I would have to get a surveyor; if I couldn't trace out the lines myself I would have to get a surveyor; but most every jobber, they have lines, and I would go and get the jobber to go and show me the line, go and "put me on to the lines," what he called putting me on to the line; and then I would trace it out, sometimes with a hand compass, trace out the line clear around, and if I found anything cut over I would report it.

Q. Have you had any interest in any timber cutting, or in any contracts in relation to timber, during the time of your holding the office of forester? A. I have.

Q. Will you state the same in detail? A. I had a contract for the logs cut on 32, 41, 40 and 38, township 26.

Q. From whom did you have such contract? A. I had a contract from Eldred Harpp.

Q. What was his interest in those lots? A. He did not have any interest.

Q. What was his interest in the timber on those lots? A. He didn't have any interest; I learned that afterwards.

Q. And were those lots State land? A. No.

Q. Or any part thereof? A. No.

Q. Was any timber taken from those lots by you? A. Yes.

Q. How much, and when? A. About one thousand markets; they were hauled in the winter of 1895, cut in the fall of 1894.

Q. Only a thousand markets from four or five lots? A. I think there was a few more, about a thousand; I think, to the best of my recollection, it was 1,013 markets.

Q. Those lots are surrounded by State lands? A. Yes, I think they are; I know they are surrounded by State lands.

Q. What knowledge or information have you as to any care taken against trespass on the State lands surrounding those lots? A. I sent Surveyor Morse in there to run out some of the lots; I forgot which lots it was, and Harpp showed me the lines around some of the lots where they were marked very plain; I cautioned him that he must not cut one log nor any tree over the line from off those lots.

Q. Whom did you employ upon that timber job? A. Who did I employ?

Q. Yes. A. You mean to help?

Q. To do anything about it? A. I employed in hauling the logs; I hauled them myself; Harpp cleared out and left the job; I employed my brother, Mark Powers, Patrick McGinn, William McGinn, Fred Larose, Marcell Keneson, Myron Mead, Frank McInerney, Edwin Butler and Charles Dougherty; that is all I recollect now.

Q. They were employed in the hauling of the timber from those lots? A. Yes.

Q. Whom did you employ in the cutting of the timber? A. I didn't employ; I had taken a contract from Harpp; he came to me and sold me the timber on those lots, said that he owned it, and gave me a contract; and he went and cut and employed his own men to cut the logs and skid them.

Q. And you profess to have bought from Eldred Harpp the timber cut from those lots? A. Yes, sir.

Q. As cut by him? A. As cut by him.

Q. Did you do any of the cutting of the timber yourself, or through your agents? A. No, only what was done through Harpp.

Q. And when was that done? A. It was done in the fall of 1894, the cutting.

Q. Do you know, or have you information, of any timber taken from the State lands surrounding those lots? A. Yes.

Q. To what extent was trespass thus made? A. I found trespass on lot 57, which, I think, joins one of those lots; I am pretty sure it does; and to the best of my recollection it was 32 markets; (looks) yes, from 57.

Q. Is that the only trespass on the State lands surrounding those lots of which you have knowledge or information? A. That is all I recollect now.

Q. What was done by you in reference to that trespass? A. I reported it to the Forest Commission.

Q. When? A. In the winter of 1894.

Q. Eighteen hundred and ninety-four and 1895 or 1893-4? A. Eighteen hundred and ninety-four; I am quite certain it was in the winter of 1894.

Q. In December of 1894 or January of 1894? A. No, I think it was in January or February.

Q. When had that timber been cut? A. I wouldn't be sure it was as early as that, neither; let me see, I don't know but it was in the fall of 1893 that I reported it, that it was cut in the winter of 1892, I wouldn't be certain now.

Q. What payment, if any, did you make to Eldred Harpp for that timber? A. Which timber?

Q. The timber you profess to have bought from him? A. What payments? I forget now what I did pay him, \$500 or \$600, I guess, for the logs; I think it amounted to that.

Q. When was that payment made? A. These payments were made in the fall of 1894; yes, in the fall of 1894.

Q. What other interests have you had in any timber contracts at any time? A. I don't recollect that I have had any interest in any, or had any contracts, except that one, that is, during my employment in the Forest Commission.

Q. In what cases, if any, have you authorized or permitted the entry of persons upon State lands for the cutting or taking of timber therefrom? A. I don't recollect of giving permission for any cutting except to W. H. Baker, the dead cedar that I sold to W. H. Baker.

Q. Will you state as a fact that that is the only case in which you authorized or sanctioned the entry of any person upon State land for the cutting or taking of timber therefrom? A. I do; I am positive of it.

Q. In what cases, if any, have you acquiesced or permitted the cutting or taking of timber from State lands? A. In what cases?

Q. Yes? A. I have told you that I have not acquiesced or permitted any cutting of State timber on State lands, except the dead cedar that I sold to W. H. Baker; well, there was some little wood around on the lake that I did let them take; at the same time I forbid them of taking it, but I was rather instructed by Superintendent Fox, where they were cutting a little wood, those people that had no wood, not to seize it and take it away from them, but try and keep them curbed as much as I possibly could, but not to take the wood away from them.

Q. In what cases, if any, have you been present at the negotiation of any contract for the purchase or sale of timber from State lands? A. I have never been present at any negotiation or sale of timber

from State lands, except this instance of Baker's, this cedar of Baker's.

Q. What transaction did you have with Joseph H. Mitchell in reference to timber cut by him from lots 102 and 103 and 90 of township 26? A. What transaction did I have with him?

Q. Yes? A. I said to Mitchell that I had been informed that he had been trespassing on 102 and 103, and also on lot 90 in township 26; he admitted that he had; I said, "I am going to have Morse come up with me, and help to trace out the line; will you go with us; we are going such a day, will you go with us and show us where you have trespassed;" I made that a rule, to go right to the man, and, as a general thing, he always went with me and showed me where he had trespassed; I always told him he might just as well—that I would hunt it up, and he might just as well go and show us; and he did go with us.

Q. When was that? A. That was either in the latter part of August or first of September in 1894; he did go with Morse and myself to show us where he had done the cutting, and I counted up the stumps and made an estimate of the trespass; I could show you something now in regard to my reports and correspondence in regard to 102 and 103 with the superintendent.

Q. What previous transaction or communication had you with Joseph H. Mitchell, in reference to the timber cut or taken from lots 102 and 103 and 90 of township 26? A. I had none; no conversation with him in regard to cutting.

Q. You are certain of that? A. I am certain, positive that I knew nothing about this trespass until Eldred Harpp told me of it.

Q. When did you first learn of the matter? A. I think it was in the latter part of July, 1894, or 1st of August.

Q. What information did you obtain in reference thereto? A. Harpp said to me that there had been a trespass committed the spring before on those lots 102 and 103, and that Mitchell wanted to sell him the balance of the timber on those lots; I says, "there is no timber on those lots;" you see, the State don't own the whole of those two lots; it is cut up in terrible bad shape, but I knew that the portion that the State did not own had been lumbered—I think in the winter of 1892, and been cut clean; I says to Harpp, "there is no timber—there is no spruce timber—that is, there is no timber"—what we call timber is spruce or hemlock or pine, that will make logs—"on those lots, except what the State owns, and you must not buy any, for Mitchell has no timber there to sell;" and he says, "Mitchell has been cutting on those lots on the latter part of sleighing;" I asked him

where he hauled the logs; I said, "he didn't haul the logs down past Long pond"—where he had hauled the logs, I think, from 104; he says, "no, he went the other way, and landed them down on the 'still-water;'" then I wrote Col. Fox—I have got a copy, I guess, of the letter—saying that I thought there had been some little trespass done on township 26, and I had spoken to Morse to help me go and lay out the lines, that he was busy doing his haying, and he said he would go as soon as he got through haying, and he did, and looked it up.

Q. Did you tell Mitchell at that time when you were on the lot that you would report him? A. Oh, yes.

Q. What did he say? A. I don't remember now what he did say.

Q. Didn't he make any reply? A. I don't know; I think he said that it didn't amount to much, that they were small trees, and there wasn't a great deal of it, and it didn't amount to a great deal.

Q. Was there any spruce timber cut off from 90? A. I think not by Mitchell; there was 13 trees cut there of spruce and balsam by Harpp.

By Chairman WILDS:

Q. Were any cedar trees cut off from 90? A. Yes.

Q. By whom and when? A. You have got that; they were cut in the corner by Mitchell.

Q. In 89? A. Yes, sir, in the corner of lot 89 and 90, I gave you the number of trees to-day, so many cedar trees, I think I gave it to you.

Q. What interest have you had in the stumpage from the cutting of timber on State lots? I have had no interest in any stumpage of timber on State lots.

Q. Have all moneys that have come to your hands for stumpage on account of timber cut on State lands been paid over by you to the Forest Commission? A. Yes, sir.

Q. Were such payments thereof made at the time of your receipt of the money? A. Do you mean my giving a receipt?

Q. No; at the time of receiving the money? A. I do not understand the question.

Q. Were such payments made by you to the Forest Commission immediately upon the receipt thereof by you of the moneys? A. It was, or very shortly after; there might be a check sent to my residence, and I be away; but as soon as I came home, I forwarded it immediately to the secretary of the Forest Commission.

Q. And is that the fact in reference to each collection that may have been made by you for stumpage on trees cut or taken from State lands? A. That is the fact in each instance.

Q. Are you debtor to the State in any sum whatever, as you understand, for stumpage on State lands? A. No, sir; not one cent; I can show the Forest Commission's report when they investigated it, if you wish to read it; it wouldn't take only one or two minutes, it is in type-writing. They investigated this last fall very thoroughly.

Recess until 8 o'clock.

EVENING SESSION, 8 P. M.

Examination of THOMAS POWERS continued.

By Chairman WILDS:

Q. What knowledge or information have you of timber cut or taken from State land, lot 25, township 25, Totten & Crossfield purchase, during the time of your service as forester? A. Which patent or survey in 25? I think that is the lot that the Shampine trespass was committed on, township 25, lot 25; that is in Thorne's survey.

Q. When was that trespass, and what was the extent thereof, and by whom, and what transaction or settlement for the same was made?

A. The extent I do not remember; the trespass was made by Joseph Shampine and was settled for by Edward Lavery at the rate of \$1.25 per market log; to the best of my recollection it was in the spring of 1889 or 1890; I wouldn't be sure.

Q. Was the timber cut by Joseph Shampine and sold by him to Edward Lavery in that case? A. Yes.

Q. By whom was that settlement made? A. The settlement was made by Inspector John H. Burke and myself; we were both together when the settlement was made.

Q. And when was that settlement made? A. Either in the spring of 1889 or 1890; in the summer, rather, of 1889 or 1890; I don't remember now which.

Q. What knowledge or information have you of timber having been cut or taken from the State land of lot 46, township 21, Totten & Crossfield purchase? A. I have given you that, I think, to-day; that is the lot of this trespass of Warren Cole and Richardson and those fellows.

Q. What do you know about B. C. Robinson having anything to do with timber cut or taken from that lot by Claymour and Kellogg?

A. I think I recollect of reporting a trespass of the Kellogg's; there were two of them, Cebil and Henry Kellogg, not Claymour; a Frenchman, I think, was partner with them; I think I reported a trespass on that lot.

Q. What was the extent thereof, and when was it made, and by whom? A. I couldn't tell, now, the extent; I don't know that I ever knew the extent, except by accident; it was made by Henry Kellogg and Cecil Kellogg and—I can not recollect the fellow's name.

Q. Do you know B. C. Robinson? A. B. C.; I know the Robinsons; I don't know them by their initials; I know John Robinson, and there is two other brothers; three other brothers; I know John and Amos Robinson, and two other Robinsons; I know them, but I do not remember their first names.

Q. Which Robinson had anything to do with the timber cut from that lot? A. Those two brothers that I don't remember their first names; they have a saw-mill, and those logs were hauled to their mill, the Kellogg logs and—this other man; they were sent there, and they were mixed up with the other logs on the skidway so that we could not find them, I went there and searched them out, and I couldn't find them, but he said he knew their mark; they had some kind of mark that he knew, and as he sawed their lumber, those logs, that he would pile them out separate from the other lumber and not allow it to be brought away until it was settled for.

Q. What was done? A. That was all, there never was nothing more.

Q. Was any settlement made? A. Not that I know of.

By Mr. TEN EYCK:

Q. But you reported it? A. I reported it.

By Chairman WILDS:

Q. Was the trespass to which you have referred as within your knowledge or information, and made by W. W. Cole, made upon lot 46 or lot 33 of township 21? A. It is my recollection that it was on 46, I am quite certain it was on 46.

Q. On the same lot on which this trespass was made by Claymour & Kellogg? A. Yes, by Kellogg, yes; lots 58 and 46 joins there, and they cut all there was on 58 years ago, most except a few; I am satisfied that Cole's logs were cut on 46.

Q. Township 21? A. Township 21.

Q. And that Kellogg's logs were cut there also? A. Yes.

Q. In what years were those trespasses by each? A. I think Cole went in and dug up the trees in the fall of 1893; he dug the trees and used the roots for boat knees, and then took the bodies of the logs for lumber, and I think that he dug them up in the fall of 1893, and cut and skidded the logs in 1894, the winter of 1894.

Q. And Kellogg? A. And Kellogg; they cut and skidded theirs in the winter of 1894, and hauled them right into the mill as fast as they could skid them.

Q. Have you knowledge or information of trespass committed by any persons at any time upon any other lots than those referred to in your examination this day? A. Of trespass being committed on other lots.

Q. On the State lands of other lots than those referred to in your examination this day? A. Yes, I remember one in lot 76, township 26.

Q. Will you give particulars thereof? A. You want to know who done the trespass? everything about it? this was a trespass discovered by Robert Kline from Lewis county, a forester; he came over in there when Mr. Lynch was inspector and Bibby was forester; and the superintendent sent them to me for information; they heard there was a large amount of trespass being done in our town; I told them they better go and get Morse, he was a good woodsman (he had a list that some one had sent on to the Forest Commission of where the trespassers were cutting) and they would learn whether there was a trespass or not; and he went on this lot, took Lynch with him, found a lumber camp built on the lot; they were lumbering and had logs cut and skidded; and they reported such trespass; then Lynch and Bibby were dropped by the Commission; when this report of Kline's was made, Lynch and Bibby were dropped from the Commission, and Burke was appointed to succeed Lynch, and I to succeed Bibby; we went on then and investigated 76, and found that the logs had been cut and skidded, and part of them hauled by James Lindsay of the town of Minerva.

Q. What was the extent of that trespass and when was it made? A. The trespass was made in the fall of 1888 and 1889, I don't remember the extent; we seized what logs were remaining on the skids, and I think to the best of my recollection, Faxon, no, I guess that Thompson, Lemon Thompson, was the man; we found some logs, I think, with Thompson's mark on in that lot.

Q. You have no recollection then of the extent of the trespass? A. No, Burke kept the minutes.

Q. What was done in reference to that trespass further? A. All I know about this, the logs remaining on the skids, I got instructions, I

think two years afterwards, to sell those logs at public auction; I posted notices, and did sell them at public auction to Milo D. Knapp, of Chester.

Q. Was it in fact at public auction or at private sale, of like character of the sales to which you have referred in your testimony previously this day? A. No; it was a public sale; I posted notices those logs were to be sold on that and other lots.

Q. And were the logs in fact put up at auction and knocked down to the highest bidder? A. Yes, sir.

Q. At what price? A. I do not remember now.

Q. Who acted as auctioneer? A. Myself.

Q. And you have no recollection of the quantity of logs sold? A. I haven't now; I couldn't give you a recollection of the amount of logs; they are on file in the office.

Q. Is that the only other trespass on State lands of which you have a recollection? A. I remember a trespass, I think on lot 114, the same winter, in township 26, Totten & Crossfield purchase.

Q. What was the extent of that trespass, and when was it made? A. It was made in the fall of 1888, and the winter of 1889; I do not remember the extent.

Q. By whom was the trespass made? A. Daniel E. Lynch.

Q. What was done in reference thereto? A. We seized the logs that were remaining on the skids, and they were sold at the same time those logs on 76 and in the same manner to the same man.

Q. Who discovered that? A. I think it was myself who discovered it.

By Mr. TEN EYCK:

Q. Were you forester then? A. Yes, I was forester; I was appointed that spring.

By Chairman WILDS:

Q. Do you think of any other trespass on State lands discovered by you? A. I remember of a trespass on 68; I think it was 68, in Bailey's patent, township 25.

Q. When was that trespass, and what was the extent thereof, and by whom made? A. The extent I do not remember; it was made the same winter, cut in the fall of 1888 and winter of 1889, and discovered in the spring of 1889, made by Joseph Murphy, a nephew of Daniel Lynch.

Q. Is the E. Bailey, to whom you have referred in your testimony this day, your brother-in-law? A. E. Bailey?

Q. E. Butler, I should say? A. Yes, sir; my wife's brother.

Q. Do you know of any other trespass on State land? A. I do not remember; I do not recall to my memory now any more.

Q. In the discharge of your duties as forester was all your time engaged or understood to be engaged therefor? A. No, it was not.

Q. What understanding, if any, was there under your appointment as forester? A. Well, it seemed to be a general understanding that we looked after the forest in our vicinity without incurring too much expense; we couldn't give our whole time and travel through the woods without incurring more expense than they would allow us to incur; my instructions was from Garmon, the first forest superintendent of the first Forest Commission; he says, like this: "I don't want you running in the woods all the time, making expense for nothing; when you think it is really necessary, why, of course, we want you to look after it;" and when there was any orders came from the superintendent, for instance, to go and examine a lot, or there had been some report sent in that there was a trespass, or something of that kind, why we went —

Q. As I understand you were paid a certain sum per month? A. Yes.

Q. As your salary? A. Yes.

Q. How much was that? A. In the first Forest Commission, up to 1892, we were paid \$40 a month, the foresters; and there was a time after the first Commission was created that the forester was not allowed anything for his expenses, and until about the time, I think, that I was appointed in 1888, there was nothing allowed for expenses; and I wouldn't accept the office; I told them I would not, couldn't afford to unless they paid me actual expenses, traveling expenses, and the superintendent said then they would, that any really necessary expenses that the foresters made, that I made, I don't know whether he said so to the other foresters or not, any necessary expenses that I made, to send in my bill, and they would pay it, and they did do so.

Q. How long did they continue to do so? A. Until the Forest Commission was legislated out.

Q. When? A. In 1895, the consolidation into the Fish and Game, that is the Fish, Game and Forestry.

Q. Weren't you allowed and paid expenses incurred by you in the course of your discharge of your duties as forester up to a certain sum per annum? A. No, there was no sum for expenses, there was no limited sum for expenses.

Q. Wasn't that the case during any of the time of your service as forester? A. No, sir.

Q. Are you sure of that? A. Yes, sir; I am sure of that.

By Mr. NILES:

Q. Don't you understand that the foresters were allowed \$400 per annum? A. They are now in this bill, in the consolidation of the two Commissions, the forester receives \$500 a year salary and \$450 for expenses, but there was nothing of that in my administration.

By Mr. TEN EYCK:

Q. When was this law passed that allowed \$450 for expenses? A. Last winter; there was part of the time, or some, I think, four, five or six months during my employ in the Forest Commission.

Q. What year? A. I think it was in 1890 or 1891 that I received \$60 per month as special agent.

By Chairman WILDS:

Q. In addition to the \$40 as forester? A. No, I received \$20 in addition.

Q. In addition to the \$40 as forester? A. No, I was paid \$20 in addition to \$40.

By Mr. TEN EYCK:

Q. What position was this? A. Special agent they called it.

Q. Was that a different office from forester? A. Yes, three foresters were appointed special agents.

Q. You got \$20 for the one and \$40 for the other? A. Yes, at the same time our check was sent for \$60 a month just the same, the first of every month; and then what I call the new commission was organized, five commissioners were appointed to receive the sum of \$60 per month, and I understood one \$75 per month; the act permitted the commission to pay \$75 per month to the foresters, but they only paid—I don't know as they paid any over \$60, they paid me \$60.

Q. And expenses in addition to that? A. And expenses.

By Chairman WILDS:

Q. That was after the 1st of January, 1895? A. No, that was after the 1st of May, I think, 1892, up to 1895, till the consolidation was made.

Q. And what allowance was made to you for expenses as forester? A. My bills were paid; I sent in my bills with vouchers and an affidavit attached.

By Mr. TEN Eyck :

Q. Do I understand you to say that from 1892 to 1895 you got \$60 per month? A. Yes.

Q. And expenses? A. Yes.

Q. Now was there any limit to the amount of expenses from 1892? A. No.

By Chairman WILDS :

Q. When was your appointment as special agent? A. I think it was made in the spring of 1890 or 1891; I think it was 1890.

Q. How long did that continue? A. Oh, I should say from four to six months; we gave our whole time, about our whole time, to the business then; we were examining land as special agents.

Q. Since the law of 1892 went into effect, and since the first of January, 1892, when your pay was at the rate of \$60 per month, weren't you understood to be giving your whole time to your employment as forester? A. If they required it, if it required it; I had a talk with the superintendent and secretary; now, I says—when we was appointed, they said, “you must give your whole time;” I says, “all right; now do I understand you to say that we must keep traveling through the forest and so on all the time; if we do this,” I says, “our expenses are going to be very large; you must consider that;” “well,” they says then, “no; we do not want you to make any unnecessary expense, any more than you have done heretofore.”

Q. Well, what attention did you give to the discharge of your duties as forester? A. At intervals I went north to Long lake, stopped at Newcomb if I suspected any trespass; I went into the woods there, looked it over wherever I suspected any trespass; go to Long lake, do the same, make a round through the woods, go down on to Racquet lake, Blue Mountain lake, go around by Indian lake, may be drive through to Wellstown, and stop at different places, and if I could hear of any trespass, or suspected any, I went and looked for them; and in the spring of the year, every spring, after the cutting, after they got through hauling logs, I made it a practice to go the rounds, and wherever that I could hear or suspect I went and looked to see if there was any trespass being done.

Q. Why did you wait until the hauling of the logs was over before making inspection? A. For the reason that if I went on to a lumber job where there was State land along side of the lot, and it was before that the men had got through with the job, or got through cutting that year, got through hauling, I couldn't go back, probably wouldn't have time to go back may be that spring; after I would leave and go

out they might go and cut a few alongside of the line and haul them ; but if they got through cutting and moved out then I could go there, and if there had been any cut I found the stumps and could locate the trespass.

Q. Then, as I understand, you never entered upon the lots at the time of the cutting of supposed trespassers on State lands ? A. Oh, yes ; I have entered on the lots when they were cutting.

Q. Not very often, though ? A. Oh, quite often, quite often.

Q. Well, among the cases of which you made mention to-day, as within your knowledge or information, do you recall any of those when you entered upon the lots when the trespassers were engaged in cutting State timber ? A. I do not recall of catching them in the act of cutting State timber ; it is pretty hard to get in there, a State official, without they know you are coming.

Q. In no case, then, during your continuance as forester for 6 years or more did you discover men actually cutting timber on State lands ? A. Yes, I do recall one instance ; lot 66, township 21, I caught the man cutting.

Q. And that is the only case where you actually discovered a trespasser cutting State timber ? A. That is the only case I recall now.

Q. In all other cases you waited until after the timber had been cut and hauled from the lots before you made any investigation as to the extent of the trespass committed ? A. Oh, no, I didn't wait.

Q. Or as to the fact of trespass ? A. Oh, no ; I didn't wait, I have mentioned where I seized a great many logs, they were not hauled or I couldn't have seized them on the lots.

Q. Except in a few cases to which you have referred as those where you made seizure of logs upon the lots, the timber had been cut and hauled from the State lands ? A. In some cases it had been cut and hauled.

Q. In all other cases except where you actually seized the timber as testified by you in a few cases ? A. I do not recollect of any but what I have stated here except what the logs had been hauled from.

Q. From whom did you receive information, or in what manner did you derive information as to the extent of trespass so committed where the timber had not only been cut, but hauled from the lots ? A. I couldn't tell you the whole of them ; I will tell you how I discovered one trespass in this Kunijamuck country that I spoke of, 40 miles from my place ; I was in the hotel at Chestertown ; I heard two men talking over the lumber job they had been to work on ; one of them made the remark that he didn't think that fellow was going to make any money ; the other one says those logs that he has got cut up

there across the line that he is going to sell to Freeman, he is going to do pretty well on them; I suspected immediately that they were State logs, for I knew that man did not own any timber, and I drove right in there and investigated and found that those logs were cut upon State land.

Q. When and where was that? A. I give you that to-day, I forgot what lot it was on, I think on township 8 to the best of my recollection.

By Mr. NILES:

Q. Did you have any general authority to make settlements? A. Well, no, I never took—I think there was an understanding with the superintendent that I might settle what I thought was right, but I never did without instructions from the superintendent.

Q. Did you have any discretionary authority as to the terms of the settlement? A. It was general; I might suggest where I found a trespass that was a willful trespass, and I supposed it was a willful trespass, I stated the facts as near as I could in regard to the trespass in my report; then I suggested, if there was a settlement made what I thought he should be charged for those logs; and I think in nearly every instance that the settlement was made as to my suggestion; the superintendent would answer my report by saying if you think that is a fair value for the settlement of the timber, why settle for that amount.

Q. I notice a very great variance in the figures at which different settlements were made; what would account for that difference? A. Well, it depended something upon how the Forest Commission felt; after Lynch and Bibby were dropped, for a time the Forest Commission was pretty ugly, and for a time they fixed a price of \$1.25 per market log; and I think about that whole trespass that we looked up, Burke and myself, we settled in that way; and then the Forest Commission changed, Mr. Nevills resigned and Farland was appointed; then there seemed to be a difference; it seemed to make a difference.

By Chairman WILDS:

Q. And since the resignation of Mr. Nevills, settlements have been made at low figures? A. At different prices.

Q. By whose directions were such settlements made by you? A. By instructions from the superintendent.

Q. Mr. Fox, you mean? A. Yes, Mr. Fox and Mr. Garman; well, Mr. Garman, I think, was dropped about the same time that Mr.

Nevills resigned ; I think Mr. Fox was superintendent afterwards, and those settlements were made by instructions from Superintendent Fox.

Q. Were any settlements made by you except from their instructions previously received? A. Not any that I remember of; I don't remember of any, and I don't think there was any.

Q. Do you know of any authority or license having been given by the Forest Commission to their superintendent, or by any other official, for the entry upon State lands and the cutting of timber therefrom? A. I do not, except dead cedar.

Q. And that is in the one case of permission given to W. H. Baker? A. That is, with me; I heard the secretary tell one Commissioner, I think it was Dr. Schuyler, that Mr. Parker, Frank C. Parker, of Keene, forester, was selling dead cedar enough to pay his salary and expenses over there, was doing the best of any of the foresters in selling dead cedar.

Q. Do you know of any State official interested in any of the trespasses of which you have testified? A. Interested? I do not.

Q. I refer to the depredations of timber on State lands? A. I do not know of any State official, that is, you mean of the Forest Commission or Comptroller or any of those? I do not, any State official.

Q. Have you knowledge or reason to believe of the interest of any State officer in these depredations at any time? A. I haven't any knowledge.

Q. As I understand your previous testimony you, yourself, have never had any interest in the purchase or sale of logs at any time since your appointment as forester in 1889, except in the one case of logs taken from lots numbers— A. Thirty-two, 40, 41 and 38, I think it is.

Q. Of township 36? A. There is nothing that I remember of, and I am quite positive that I have not.

Q. You have never had any interest in the purchase or sale of logs, except in that case? A. Not that I can recollect.

By Mr. TEN Eyck :

Q. And were they State lands? A. No; oh, no.

By Chairman WILDS:

Q. Were you alone, that is, did you have a partner in that transaction? A. No, sir.

Q. When were you in partnership with Mr. Shaw? A. I was in partnership with Mr. Shaw in the mercantile business in 1885, I think; a part of the year 1885, and a part of the year 1886.

Q. Under the firm name of Powers & Shaw? A. Yes.

Q. What is Mr. Shaw's full name? A. Anson B. Shaw.

Q. And did that firm deal in logs? A. We did deal in logs.

Q. Then your answer to my previous question is not quite the truth, with respect to your having an interest in the purchase or sale of logs, is it? A. I understood you, and I think you said, during my appointment as a State officer.

Q. Weren't you a forester in 1885 and 1886? A. No, sir; I was appointed in 1889, I think.

Q. When was your partnership with Mr. Shaw dissolved? A. In the summer of 1886.

By Mr. TEN EYCK:

Q. How did you come to dissolve with Shaw? A. Because he stole everything that we had, and I kicked him out.

By Chairman WILDS:

Q. In the course of your partnership with Mr. Shaw, did you make any trespass upon State lands? A. I did not.

Q. Did you buy the timber stolen from State lands? A. We bought some timber or some logs that had been cut on State land; we didn't know at the time it was State land, that is, didn't know that the logs were cut on State land; I bought logs from different men, and some of those men had some of those logs cut over the line, that we afterwards learned were cut over the line; and I had them measured and kept separate, and when the superintendent, Mr. Garman, came up, I gave him this measurement and would not pay the parties that had cut the logs; did not pay the parties that had cut the logs and sold them to me until after they would make a settlement with the State.

Q. And how much did you pay the State? A. I paid, I think, for different parties, most \$600.

Q. Was that payment made to Richard Trumbull? A. Yes, sir; Richard R. Trumbull; R. L. Trumbull.

Q. Who was then in what office? A. He was what they call "State agent," appointed by the Comptroller.

Q. Was that a voluntary settlement on your part, or one forced from you by the State authorities? A. Well, it was voluntary; I told Trumbull that these logs were cut; I went to Au Sable Forks and told him that there were some logs cut there, and he better come over there and look it up.

By Mr. TEN EYCK :

Q. And after you told him this, the State authorities fixed the price for you to settle on? A. Trumbull came there, I was thinking first it was Garmon, but it was Trumbull; Trumbull came there and fixed a price for the parties that cut them, and I paid those parties, and deducted so much out of their logs; Patrick Dougherty was one, William Brennan was another.

By Chairman WILDS :

Q. As I understand all your time, as forester, after January 1st, 1893, was understood to be given to the State? A. Not January; May, 1892, I think it was two years ago last spring, that would be 1892, yes.

Q. Did you at any time during that period, or since that time, hold other office than that of forester; and if so, what, and when? A. I have held the office of commissioner of highways for the last two years; a year ago last spring I was elected, 1893, it is a town office.

Q. And what time did you devote to your duties as commissioner of highways? A. Oh, I devoted several days in the summer of 1894, that is along in the spring, in June, some days in June and some days in July, a very few days, and in September.

Q. Charles P. Sullivan is the town clerk of Olmsteadville, is he not? A. Yes, sir.

Q. Under his certificate it appears that at a meeting of the town auditors on November 8, 1894, there were allowed for your services rendered as commissioner of highways from March, 1894, to February 24, 1895, 13 days; and at a meeting of the town auditors of February 26, 1895, 51 other days, making altogether 64 days with which you are credited for service as highway commissioner, is that the fact? A. That is right, I think.

Q. And you were paid for that service? A. Yes.

Q. How much? A. Two dollars per day.

Q. During the time of your service then as highway commissioner, you gave no attention to your duties as forester? A. Yes, I did.

Q. What attention? A. I gave the same attention, if I knew of anything that was necessary to be done, that I had at any time.

By Mr. TEN EYCK :

Q. Did you, in your position as commissioner of highways, and traveling over the roads, travel through State lands? A. Yes.

Q. Did it necessarily take you around through the different parts of the country? A. Yes, sir.

By Chairman WILDS :

Q. That is, within the town of Olmsteadville? A. The town of Minerva.

Q. Within the town of Minerva? A. Yes.

Q. But not outside the town of Minerva? A. I had no duties as commissioner outside of the town of Minerva; I looked up some occupants, and served notice on occupants during the summer, and looked up those trespasses—well, that I have given you here to-day on 102 and 103, and so on—gave some attention; I spoke with Col. Fox, the superintendent, before that I consented to be a candidate for highway commissioner, and he says, “yes, by all means, if you can be elected and will fix up the roads that we have to ride over up through your country, take the office; there won’t be much to do in the Forest Commission probably through the summer,” he says; “of course, when there is anything to do for the State, you can have some one else look after your highway business;” I says, “all right, I will do that;” and did it.

Q. You and Col. Fox are on very friendly terms, apparently? A. Very friendly with all the Forest Commission and all their officers; not any more so with Col. Fox than with the whole Forest Commission—secretary and assistant warden, and assistant secretary.

Q. What business relations, if any, have you had with any State official? A. I never had any—oh, I did go to Beaver river in the spring of—I think it was 1890 or 1891, and superintended a log drive there for the Beaver River Lumber Company, of which Mr. Basselin—he was then Forest Commissioner—he was one of the company and also Forest Commissioner; I was there thirty-five days.

Q. What other business relations have you had at any time with any State officer? A. I don’t recollect of any.

Q. What transactions, if any, have you had with Pat. Moynehan? A. I have had quite a good deal with Pat. Moynehan for years.

Q. Have you had any transactions with Pat. Moynehan in timber or logs at any time? A. Not any.

Q. Is that the fact particularly since the time of your appointment as forester, in 1889? A. I have had no transactions with Moynehan in regard to any timber.

Q. Or logs? A. Or logs, since my appointment in 1889.

Q. You have had, however, various transactions—many transactions with Pat. Moynehan? A. Yes.

Q. Since that time? A. Yes.

Q. And your notes or checks have been given to him in those transactions? A. Yes, sir.

Q. And his notes and checks have been given to you in those transactions also? A. Checks, I don't know whether there is any notes, I guess there was probably, I do not remember.

Q. Well, has money passed from you to him or from him to you in the transactions that you have had? A. Both ways.

Q. And what have those transactions been about? A. Well, sometimes he borrowed money from me and I borrowed money from him; I guess I borrowed from him oftener than he did from me though, and I have sold him — I have traded horses with him, there was a balance due me, and I have sold him a horse, I have sold him potatoes, I have sold him beef and I have sold him hay, and I have bought goods there from the store; in fact all —

By Mr. TEN EYCK:

Q. Does he keep a store? A. Yes.

Q. Where does he live? A. He lives in Glens Falls; he, in fact, lives anywhere between Newcomb and Glens Falls, but his family is in Glens Falls.

Q. Where does he keep a store? A. At North Creek; his son looks after the store.

By Chairman WILDS:

Q. Have you ever had any transaction in timber or logs with John Owens, or Charles Callahan, or Henry Bradly, or Kenyon & Baldwin, or Kenyon Lumber Company, or Anderson & Moynahan, or the Morgan Lumber Company, or with Joseph H. Mitchell, or with John J. Wakely, or with Hugh Lindsey, or with Martin L. Allen, or with Joel Brooks, or T. D. Depan, or with Pat Dougherty, otherwise known as "Bob" Dougherty, or with Hosea Locke, or with George Miner, or with Edward P. M. Lynch, or with E. Butler, or with A. C. Hall? A. I answer that by saying I have had no transaction with them in regard to any logs except what I have stated in my previous testimony as to those logs that I sold the Morgan Lumber Company that came off from 32, 40, 41 and 38, and whether you might call it transactions in regard to these State trespasses where I seized the logs and sold them and so on, that is all the transactions that I have ever had, but no transactions that I had any interest in with any of those men except those logs that came off from 32 and those lots that I sold to the Morgan Lumber Company last winter.

Q. You never had any transactions with any of the persons whom I have named except as you have already this day testified before this committee? A. Not during my employ as a State officer.

By Mr. TEN EYCK :

Q. When did you first get these maps? A. I cannot recollect exactly the dates.

Q. You have had several different kinds of maps? A. Yes, I think we have had those maps.

Q. I mean the colored ones that you have been using here to-day? A. I think we have had them for the last three years; about three years.

Chairman WILDS.—I think they were issued in 1893.

Q. Were they originally colored like this? A. Yes; I think so.

Q. Are those maps correct? A. Oh, not entirely correct.

Q. Do you know of any one that has bought and sold lands that are colored there as State lands? A. I don't know any one that has bought and sold lands that was colored, that is, was painted red on those maps.

Q. Or the timber on lands represented as State lands on that map? A. I do not.

By Chairman WILDS :

Q. Have you ever heard of any such transaction? A. I have not as they are on those maps; I think there was another map, I think there was another issue, that there were some lands that were painted red which the State claimed at that time, that the sales were cancelled afterwards, and on this issue they were not painted red.

Q. Didn't I understand that a Mr. Weed bought some lands that the State claimed? A. Those were painted red on what we call the old map; I think it was an issue before this: they were claimed for a certain time by the State, and cancelled and redeemed by Hall and Marsh of Albany, P. J. Marsh.

Q. What Weed is that? A. Weed is one of the Forest Commissioners.

Q. And he bought those lots? A. His firm bought them, Weed & Sisson; he said they bought and sold them again; those were the lots that Allen lumbered on last winter.

By Mr. TEN EYCK :

Q. These communications that you received from the Forest Commission were the originals, that you showed us this morning, weren't they; not those that you wrote, but those that you received back; those that you read to us were the originals? A. They were originals; yes.

By Chairman WILDS:

Q. Have you any other communications from the Forest Commission in your possession? A. Nothing that I know of now in regard to State lands, that is to trespass on State lands.

Q. Were the logs cut by Owen and Dougherty, were they held by you until a settlement was made? A. They were not.

Q. Why not? A. The settlement was made, and Johnson was to pay for them the 1st of May, and I let them remove the logs; I wrote on to the Commission the settlement I made, and if that was satisfactory I would allow them to remove the logs, and I think I got an answer that that was all right.

By Mr. TEN EYCK:

Q. And those were the logs that Kenyon & Baldwin paid for afterwards? A. Yes; that is a part of them.

By Chairman WILDS:

Q. Did Johnson also buy the logs cut by Joseph H. Mitchell from lots 102 and 103 and 89 and 90 of township 26? A. He bought what was cut from 102 and 103; the cedar that was cut on 89 and 90 Mitchell has in his door-yard fence up there, fence posts, and I don't know but some went for shingles; Johnson didn't have anything to do with that.

Q. Was any settlement ever made with Andrew Johnson for the stumpage on the timber thus taken from State lands? A. There was a settlement made with them in regard to this piece of 117 that I stated to-day that he agreed to pay for those logs on the 1st of May; that is, we settled; he didn't pay, never paid; Kenyon & Baldwin paid 30 cents a log for them here this last winter.

By Mr. TEN EYCK:

Q. Why didn't Johnson pay? A. As I told you, when it came around the 1st of May, Dougherty was grumbling about the price being too high, and he came to my house and met the superintendent, Colonel Fox; I told Dougherty that the superintendent was coming up there; and I said, "go and see him, and if he wants to make any different arrangements, why, all right."

Q. Had Johnson failed at that time? A. No, he had not.

By Chairman WILDS:

Q. Weren't the logs which Andrew Johnson got by purchase as you stated from Joseph H. Mitchell which were taken from lots 102 and

103 of township 26 also sold by him to the Kenyon Lumber Company?

A. Yes.

Q. Was any settlement made for those logs? A. No.

Q. By the Kenyon Lumber Company? A. The Kenyon Lumber Company, Kenyon & Baldwin, settled for them last winter when they settled for the logs on 119 and 118, all the logs that were got from Johnson.

By Mr. TEN EYCK:

Q. Why didn't Johnson settle for those on 102 and 103? A. As I told you, Dougherty came there and saw Colonel Fox.

Q. For the same reason as 117? A. One hundred and two and 103.

Q. Yes? A. He claimed that he had paid Mitchell for the full value of the logs, and that we could look to Mitchell; that he wouldn't settle for them.

Q. Had he failed then? A. No, he hadn't, but he did soon afterwards.

Q. And Kenyon & Baldwin did settle for those logs afterwards? A. Yes, I understand so, at the office.

Q. Now what are the distances between the several trespasses that you have spoken of here to-day? A. Oh, 40 miles, I guess 50; I guess there is a trespass that would reach 50 or 60 miles from the further trespass on one side to the other.

Q. All of the trespasses spoken of to-day included — how much of an area do they cover, that is, take them all together, dot them all around, what would be the area which they would cover? A. Oh, I would say they would cover 50 or 60 square miles.

Q. So that to go from one end of one trespass to the trespass in the opposite direction, you would have to go about 60 miles? A. Yes, sir.

Q. When you discover a trespass what instructions did you give, if any, to the persons who were committing the trespass? A. I simply — if I found the logs I forbid them of removing them; I told them, I says, "here, I find this trespass committed on State lands, I have seized those logs for the State, I forbid you of removing those logs, or cutting any more, or trespassing any more on State lands."

Q. And did you wait then to see if there were any more cut; did you stay there the rest of the winter? A. Oh, no; I never stopped.

Q. You went on? A. I went on.

Q. If you had stayed there, you couldn't have looked up any other trespass? A. No.

Q. Did you ever receive a communication from the Comptroller in reference to any trespasses? A. I never received any communication direct from the Comptroller.

Q. Did you indirectly from him? A. I think there was some letters, one or two or such a matter sent to the Comptroller, and he sent them to the Forest Commission and they forwarded them to me.

Q. Had you reported those cases before you received that letter, those communications? A. I think in one instance that I had not, and I do not remember now of but two, and the other there wasn't any trespass.

Q. Just mention the two trespasses that you received a notification of indirectly from the Comptroller as you have spoken? A. One instance was this Daggett trespass down in Hyde township.

Q. How far is that from where you live? It is, oh, about 20 miles.

Q. What was the other instance? A. Another was an instance of a trespass reported that Michael Lynch had committed on, I forget now what lot; it was along by the Widow Crepon's.

Q. How far is that from where you live? A. That would be about five miles.

Q. Which one of those did you find not to be a trespass? A. I found that Lynch had not committed any trespass.

Q. From the testimony you have already given this day before this committee, it appears that the trespass to which you refer as made on lot 39 of the Hyde township was made in 1890 by Daggett, that the same was small and that you reported it? A. Yes, I did report it.

Q. And is that the trespass to which you say the Comptroller called your attention? A. A fellow by the name of Loveland had written on to the Comptroller saying that there was a trespass committed by — I ain't sure whether he gave the name who had committed it or not; but there was a trespass committed in this township on the State land in the Hyde township; and they sent this Loveland letter over to the Forest Commission, and they sent it up to me with orders to investigate it; I investigated and reported.

Q. When was this? A. This, I think, was in 1890.

Q. That is the one that you referred to to-day? A. Yes.

Q. That wasn't from this present Comptroller? A. Yes, it was not.

Q. I am referring to the present Comptroller? A. Yes.

Q. Now, have you ever received any communication, either directly or indirectly, from the present Comptroller, that a trespass had been committed on any of the State lands? A. No, sir.

Q. Did you know Mr. Durfee? A. No, sir.

Q. You have heard of him? A. I have saw him but never was introduced to him.

Q. Did Mr. Durfee, or Mr. Daniel Lynch, or Mr. George L. Bouten—you have heard of these gentlemen—did they ever come to see you in reference to any trespass? No, sir.

Q. Ever send you word of any trespass having been committed? A. No, sir.

Q. Now, you have spoken of a case or two here where you didn't post up notices of the sale of the logs; what were the reasons that you did not post up notices? A. I had no instructions to do so.

Q. What were they, small trespasses? A. Small trespasses rather.

Q. Have you found cases of trespasses in which it would not pay to post up notices? A. It don't cost much to post notices.

Q. What I am getting at is this; in those cases to which you have referred, in which you did not post notices, would it have cost more to have posted notices and sold at a public auction than the logs were worth? A. No, it would not.

Q. Nearly as much? A. Well, it would have cost—I would have to have gone myself and posted those notices; the expenses would have been—well, it would not have been so much—the Forest Commissioners would not have been satisfied for me to have made that expense.

Q. You got more by selling the logs that way in the end than you would if you had posted notices? A. Yes, sir.

Q. You have spoken about selling dead cedar; when cedar trees die, where do they die first? A. Generally at the top.

Q. And then keep dying from the top down to the trunk? A. Yes.

Q. After a tree has died at the top, and has died part way down the tree, does that tree ever recover and grow again? A. No, not a cedar tree.

Q. What is the result after it has once commenced to die that way? A. Oh, it stands there sometimes for years, and sometimes not a great while, and falls down and rots.

Q. What I mean is, does it die eventually? A. Yes.

Q. Within what space of time? A. I couldn't tell as for that.

Q. In your opinion? A. Where it commences to die that way, I should say that it would die entirely in the course of two or three years.

Q. Now a tree that has died at the top, and part of the way down towards its roots, if that tree was cut, how would it show at the stump? A. It would generally show to be hollow,

Q. It would generally show to be hollow? A. Yes.

Q. But would it look green when it was cut down? A. The outside of the tree would be green.

Q. That is it would look as if it was a green tree that had been cut?
A. Yes.

Q. And are there more branches at the top of a cedar tree than there are at the lower part? A. Yes.

Q. More branches? A. Yes.

Q. Doesn't a cedar tree grow to a point up at the top? A. A cedar tree rather grows to a point, but at the same time there is more branches at the top but not so large; a cedar tree does not spread out so much at the top, they grow tapering.

Q. That is what I mean; so that there are more branches at the bottom than at the top? A. Yes, sir.

Q. And more evergreen at the bottom? A. Yes.

Q. And where you have cut a tree that has died at the top, it would leave a number of green branches lying around after you take the tree away, is that the fact? A. Yes.

Q. So that one not very much experienced would think that it had been a live tree? A. They would call it a green tree, a live tree.

Q. Did you ever tell Hosea Locke that he could cut timber from State land or ever give him permission? A. No, sir.

Q. What is the character of the existing timber in the Totten & Crossfield purchase on the State lands? What do you mean by the character, the different kinds of timber?

Q. Different kinds of timber, what growth, and what kind of timber it is; you have travelled around the Totten & Crossfield purchase considerably since 1889, haven't you? A. Yes.

Q. And are you familiar with the different kinds of timber which is growing upon the State land in the Totten & Crossfield purchase?
A. Yes, sir.

Q. And know of the lands that are what you call the virgin forest, and the second and third and other growths? A. Second growth and virgin forest.

Q. Now will you just give us a description of the forest in that regard? A. Of the State lands?

Q. Of the State lands, yes? A. There is some of these lots have been burned over; those have grown up to a second growth, some poplar, and there is spruce and pin cherry, and alders, and most every kind of timber; hardly any lot that all has been burned over, but portions of it; there is other lots in our reports—where a lot has been lumbered over, we do not call that virgin forest, nor it is not second growth; the timber that remains on it is of first growth, at the same

time we have never reported it — there is some of those lots that there is some virgin forest on, but very few ; principally the State land has been lumbered over, and the people did not think it was worth paying taxes on years ago and let it go back for taxes.

By Mr. ELDRIDGE :

Q. How has the State acquired the principal part of its land, say on the Totten & Crossfield purchase ? A. By tax sales.

Q. And the greater part of it has been lumbered ? A. Yes, principally all, except some little place on top of the hills.

By Mr. TEN Eyck :

Q. Now, where different persons or corporations are lumbering upon lands, how are the choppers and other persons fed ? A. How are they fed ?

Q. Yes, who feeds them ? A. The jobber feeds them.

Q. Don't some of them board around in different farm houses ? A. Not very often.

Q. Is that the case where they are chopping upon State lands ? A. Oh, on State lands ; when they are cutting on State lands sometimes a farmer would dodge in, what we call " farmers," " squatters " around dodge in and cut a few logs.

Q. Do they feed the choppers so that they are interested in keeping the jobbing on State lands quiet or secret ? A. They don't generally have a great deal of help, those men ; they don't have a great deal of help, some particular friend, as a rule.

Q. Now, what do you think about having the lines made more distinct between the State lands and the individual owners ? A. I think it should be done ; and I advocated that all through, that there should be a survey made, and post up tin tags at the different corners and at intervals along the line, saying this is State land and no trespassing.

Q. And showing the side which the State owns and the side which the individual owns ? A. Yes, sir ; say a hand pointing towards the State land.

Q. Have you any suggestions to make for the improvement of the law for the protection of the forests ? A. I would suggest that there be a single-headed Forest Commission—one man—and that there be a secretary and superintendent ; that would be all that would be necessary in the office in Albany ; and that they appoint good, reliable men as foresters or guardians, and pay them a larger salary than what

they have been paying—not to appoint so many of them, but to appoint them and pay them—well, \$75 per month, or \$1,000 a year salary.

Q. And expenses? A. And expenses—and have them give their attention to the business; and that those men travel through the woods at all times, and keep traveling through the woods at all times of the year; not have such an amount—there is, I should say, four out of five of the foresters that are appointed that are of no earthly use to the forest; and that there is a large amount or a large force in the office there in Albany that is of no use whatever; there should be a typewriter, forest commissioner, superintendent, secretary.

Q. You spoke about some wood at Long Lake that they told you not to take away from some of the settlers up there? A. Yes.

Q. What kind of wood was that? A. Either beach, or maple or birch.

Q. What did they cut it for? A. Firewood.

Q. And nothing else? A. No; I do not think there is only three or four residents in Long Lake that owns a bit of firewood there; and I would add to the laws of the forest that they sell their timber, their spruce, hemlock and pine, down to a certain size on the State lands, have authority to sell it.

By Mr. ELDRIDGE:

Q. Your idea is that this spruce timber might be cut, and in so cutting become a source of revenue to the State? A. Yes.

Q. And not injure the forest? A. Yes, I didn't approve of the style in which they commenced, of the method they commenced when they advertised to accept bids; it was very unsatisfactory throughout the country; I advocated that where they were going to sell the timber on certain lots in a town, that they advertise that they sell the timber on those lots at public auction by not accepting a bid lower than a certain amount; that would stop the combination of the lumbermen getting together and saying "we won't bid only so and so;" but they must bid what the forester thought the timber was actually worth for the first bid, then whoever bid the highest would take it, and it would be open and more satisfactory than those bids that were sent in.

By Mr. TEN EYCK:

Q. When you were advertising and selling logs which had been cut from State lands, did you have any reason to believe that lumbermen around formed a combination to let one of them get those logs? A. I

do not think there was any combination, but I do think that they would not bid against the man that had done the trespass.

Q. Did you ever sell any green timber to W. H. Baker? A. No, sir.

Q. Who was present when you made the bargain with him? A. I think his bookkeeper was there when we made the bargain.

Q. Was any of the Forest Commission there? A. Not at that time, but I think afterwards, or shortly afterwards, that Superintendent Fox was there, and he asked Superintendent Fox if that bargain that he made with me, or contract that he made with me, was all right; and the superintendent told him that it was; I think that it was shortly afterwards.

Q. You do not know of Joel Brooks ever cutting any timber upon State lands, do you? A. I do not.

Q. Now do you know of the trespass of George Miner on lots 6 and 7, township 27? A. I think I recollect now that there was some trespass committed by Miner on either 6 or 7, and I do not know but on both of those lots, township 27, which I reported.

By Chairman WILDS:

Q. What was done by you in reference to that trespass, if anything? A. I reported it to the Forest Commission.

Q. When was the trespass committed? A. I think it was in the winter of 1890.

Q. And was your report made in the winter of 1890? A. As soon as I discovered the trespass.

Q. I understand you to say that the trespass was committed in the winter of 1890? A. I think so; that is the best of my recollection; I wouldn't be positive.

Q. You do not think of anything else that you want to state? A. No.

Hearing adjourned at 10:45 P. M. to meet at the call of the Chairman.

ADIRONDACK HOUSE,
NORTH CREEK, N. Y., *August 20, 1895.* }

SEYMOUR ARMSTRONG, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your name, age, residence and business? A. Seymour C. Armstrong; I am 45 years of age; my post-office is Riparius, Warren county, N. Y., and I am a farmer.

Q. What town, county or State office have you at any time held, and what was the time thereof? A. I served as town assessor from 1883 to 1886, I believe that was the years if I am not mistaken; I held the office of State Fish and Game Protector, I think, from 1883 to 1889, about 6 years.

Q. Did your duties as such officer embrace protection of the forests? A. No, sir; and I served as inspector of forests from about the 1st of August, 1893, till the 1st of May last.

Q. Is that all? As inspector of forests, what were your duties? A. I worked under the direction of the superintendent, sometimes in appraising land, sometimes in looking up trespasses on State lands.

Q. Is that all? A. Yes, sir.

Q. Did you only do from time to time what you were specially and separately directed by the superintendent of forests to attend to? A. Oh, sometimes if I would hear of violations, I would report them to the department, and would afterward be ordered to make an investigation.

Q. Were you assigned for the discharge of your duties to any particular territory—and if so, to what? A. No; I believe not.

Q. Was it not a part of your duty to protect the forests at all times against timber thieves or other depredations on State lands? A. I considered my duty to report any violations of that kind.

Q. And did you, in fact, in the discharge of your duties, follow up every suggestion of trespass on State lands, and prosecute investigation thereof to verify the truth of any report of the same, or to determine the character and extent thereof? A. I believe I did in each case.

Q. Wern't your duties embraced in their performance within certain territory? A. Well, I believe not.

Q. Did you travel all over the State? A. No, sir; I went where I was sent by the department.

Q. Aside from the assignments which you may have received for the performance of special services, wern't your duties understood to be performed with reference to some definite territory within the Adirondack region?

A. Well, I believe I was expected to look particularly after this county.

Q. And this is Warren county? A. Warren county.

Q. And Hamilton county? A. No, sir; I did very little work in Hamilton county.

Q. Were you not understood to have within the jurisdiction of your services Hamilton county as well as Warren? A. Let me say that I

never was especially assigned to any particular locality, that is I never was ordered by the department to look after any particular locality ; I was one of two inspectors.

Q. Then there were only two ? A. Two inspectors.

Q. Under the Forestry Commission ? A. Yes, sir.

Q. During the time of your service as such ? A. Yes, sir.

Q. And did you work together or separately ? A. Separately.

Q. In what field of service were the duties of your associate inspector embraced ? A. Well, he was an attorney, and he looked after some law cases, I believe, connected with the prosecution of timber thieves.

Q. What was his name ? A. His name was John H. Burke, of Ballston.

Q. Do you know the time of his service as inspector, and, if so, state ? A. I couldn't tell.

Q. Was he in office at the time of your appointment ? A. I think he was, and for some time before.

Q. And did he cease at about the same time to hold the same office ? A. Yes ; at the passage of the new law.

Q. You were in office for about three years, as I understand you ? A. No ; about one year and eight months.

Q. From January, 1890 ? A. From about the 1st of August, 1893, till the 1st of May, 1895.

Q. Previous to the 1st of August, 1893, had you held any office in relation to the protection of the forests ? A. No, sir.

Q. Or any appointment under the Forestry Commission of any kind whatsoever ? A. No, sir.

Q. Had you been supervisor of the town ? A. No, sir.

Q. In the course of the discharge of your duties as inspector did you become personally familiar with the location and bounds of the State lands within the Adirondack region ? A. Only a part of them.

Q. Within what region did you have such knowledge ? Well, I did some work in Saratoga county, some in Warren, some in Washington county.

Q. What was the source of your knowledge or information as to the location of State lands ? A. Well, I knew the location of some of the State lands by a residence in this section of the country ; I have always lived here, and then other information I got from maps.

Q. Well, did you profess to have detailed and particular information as to the location and bounds of the State lands within Warren county ? A. Yes, I claim to be generally familiar with the location of the lands.

Q. And of course the bounds thereof, location embracing the bounds? A. Well, as to that a man might live his life-time within a few miles of the bounds of some State land, and not know exactly where the boundary lines were, in fact, it is rather difficult sometimes for surveyors when they are making a survey of certain lands to exactly locate the lines.

Q. Aside from that difficulty you had not only general but particular knowledge of the State lands, and the location thereof within Warren county during your service as inspector as I understand? A. I had a general knowledge of them.

Q. And particular knowledge of the location thereof? A. Yes, sir.

Q. What cases of trespass, if any, did you have knowledge or information of, or have you had knowledge or information of at any time?

A. At one time I was sent out into Saratoga county to look after a trespass on the "John Glenn and 44 Others" patent.

Q. Will you state the location of the trespass to which you have referred, the extent thereof, and the person by whom the trespass was made and its time? A. I believe this map does not show the subdivision of those lots correctly; those lots, I believe, are subdivided, lots number 86, 87 and 88, it is those lots there, it is not correctly shown there.

By Mr. TEN Eyck:

Q. Not correctly shown where? A. On the map.

Q. On the map you have there? A. On the map we have here; those lots were subdivided into ten lots, I think there were four of them, 85, 86, 87 and 88 were divided into 10 100-acre lots; the first time I went there I found them cutting timber, a man by the name of—I have forgotten what his name is now; I found them cutting timber, I think it was on subdivision 10.

Q. Of what lots? A. Subdivision 10 of these 4 lots; it is not shown on this map; while there I found a surveyor's map of those subdivisions and made a map and sent into the department showing the subdivisions; the man was in the woods cutting timber and ran out; he saw us coming and ran out of the woods; he had a load of logs partly loaded, and took the logs down to the mill at Batchellerville and sold them; and I got there about 10 minutes after he did; I had to go back about a mile to get a horse; I saw him the next day and he admitted he had cut about 25 markets; he said he was a poor man and was obliged to take the timber to get something to live on.

Q. When did that occur? A. That was in December, I think, 1893.

Q. Did you make any personal investigation of the extent of the trespass? A. Yes, sir.

Q. What did you find? A. I should think he had cut about 25 markets.

Q. And over what acreage did he appear to have cut? A. Well, I couldn't tell you as to that; he had cut a few in different places.

Q. Of what character of timber? A. Spruce.

Q. Any other? A. No, sir; nothing else but spruce.

Q. Can you not give me a definite statement as to the acreage cut over? A. I could not.

Q. Well, was it embraced within one acre? A. No, sir; he had taken trees in several different places, a few trees; he would take the best in different localities.

Q. Should you say that the whole of the hundred-acre lot on which you found him cutting had been cut over? A. No, sir.

Q. What further was done in reference to that matter? A. I reported it to the Forest Commission; I believe he was not prosecuted.

Q. Was any settlement ever attempted or made with him? A. I think no settlement was made with him; he had nothing.

Q. Was any claim made of the vendee of the logs? A. I couldn't say as to that.

Q. None was ever made through you or attempted? A. No, sir; I went and saw a man that bought the logs and told him —

Q. What was his name? A. His name was Fraser, I believe.

Q. Of what place? A. Batchellerville.

Q. Do you know his first name? A. I think his first name was Marion; I told him I considered he was as much or more to blame than the man who stole the timber, and that I should be in favor of prosecuting him rather than the poor man who cut it.

Q. And did you report his name to the department? A. I believe so.

Q. Did you never receive any instructions in reference to further action in the matter? A. Not that I remember now; at the same time I found a man trespassing on another of those subdivisions by the name of Whitaker — Hezekiah Whitaker.

Q. On which subdivision? A. I think he was on subdivision 9, but I do not remember; I met him with a load of logs.

Q. Can't you state this first trespasser's name? A. I can not remember it now; I did remember it a few minutes ago, but I don't remember it now.

Q. What was the character and extent of the trespass which you discovered, made by Hezekiah Whitaker? A. The first time I was there was in the winter, and I couldn't tell how much he had cut;

they do their stealing different there than they do here; they steal a load at a time; the next morning after I met him with his load of logs; I went into his place and found his sleigh track right down the woods, and found the line where he had cut; I think that was on lot 60; this was the line I found there; I think he had cut on lot 60.

Q. Of the "John Glen and 44 Others" patent? A. Yes, sir.

Q. Then it was not on subdivision 9 of those four lots 85, 86, 87 and 88? A. Well, he lived on subdivision 9, and he had cut on that too, but he had cut on both sides of the line.

Q. And also on lot No. 59? A. I don't think he had cut any there.

Q. What was the extent of the trespass that you found? A. I was going to say, I afterwards went back there in the summer and I estimated the amount of timber he had cut at about 250 markets.

Q. This was in 1893 that the trespass was made and discovered? A. Yes, the first time; it was in 1894 that I went a second time; that was in December, 1893; I think I went down again about May, 1894; the last I heard of him he was in Ballston jail.

Q. How many pieces composed the 230 markets? A. I should think, probably, at that place about 750.

Q. About how many trees do you estimate to have been cut by him? A. Well, perhaps about 250.

Q. About three pieces to the tree then? A. Probably.

Q. And of what character of timber? A. Spruce.

Q. Of what growth? A. Well, it—

Q. Was it second growth timber? A. Yes; I should say it was second growth timber; it was timber that never had been all cut off, although some of it had been taken out—larger timber—in the first place.

Q. Perhaps this was the remnant of the first cutting? A. Yes.

Q. And was really of the original growth? A. I should say so; yes, sir; although it was a smaller growth than the first cutting.

Q. What acreage do you estimate to have been cut over by his trespass? A. Well, I couldn't make any estimate as to that, because he cut in different places in the same way; cut a few trees in one place—

Q. What was the character of the timber remaining standing in the places of each of these trespasses to which you have referred? A. Well there was a good deal of spruce and a very good growth of hard wood—birch and maple and beech.

Q. Of the first growth of those woods? A. Yes; at the same time I reported a trespass I think on lot 59; I believe the timber was cut by John Finer; 18 trees.

Q. Producing how many markets? A. Well, I should think probably — I don't think I made any estimate on the number of markets there; it is going to be guess work for me to say; I counted the stumpage and reported so many tress; 18 trees.

Q. They were trees of the same growth as those that appeared to have been cut by Hezekiah Whitaker? A. About the same.

Q. And then you would say there would be about three pieces to a tree? A. Perhaps about the same; probably 18 markets; it is not large timber.

Q. You haven't stated what was done in reference to the trespass by Whitaker? A. They commenced an action against him, I believe, or had him indicted; I know I was subpoenaed afterwards, or sent for to come to Ballston to court, but other witnesses did not come, so the case went over; but I afterwards heard that Whitaker was in jail for trespass.

Q. At Ballston Spa? A. Yes; although I was not summoned there again.

Q. Do you know of any prosecution of him for that trespass? A. I believe that was the trespass that he was prosecuted for.

Q. And convicted? A. Yes, I believe he was; I heard he was in jail there for the trespass.

Q. Do you understand that there is criminal prosecution ever undertaken against trespassers on State lands? A. There was in that case, I believe.

Q. Was any civil prosecution ever attempted in his case? A. I think not; he had nothing.

Q. What was done in the case of the trespass by John Finer? A. I don't know if he ever settled or not; I reported the matter to the commission.

Q. What other trespasses on State lands have you knowledge or information of? A. I next was sent to investigate a trespass —

Q. Have you stated all the trespasses that you discovered or had information of as taking place on the John Glen and 44 Others Patent? A. Yes, I believe so; a place they call the Siamese pond; it is in this town.

Q. Embracing what lots and within what township? A. I couldn't give the number of the lots; it is in the 13th township, I believe.

By Mr. NILES:

Q. You can by reference to the map? A. No; I can not; I see from the map the names of those ponds are not here.

Mr. NILES.— I think it is; I remember that name.

Chairman WILDS.— I remember that name. (Shows witness map.)

The WITNESS.— It is given there, yes.

Q. Thirty-first township then? A. It is given so here; it was only a small trespass, and the man had peeled some timber there and built a camp.

Q. By whom and when was that trespass committed? A. The timber was peeled by Fred Cameron, and the other man was Fred Wood, I believe.

By Mr. TEN EYCK:

Q. Where do they live? A. Stony Creek; I don't know but what he is preaching now somewhere.

By Chairman WILDS:

Q. What was the extent of that trespass, and when was it and what was done in reference to it? A. Well, they had peeled trees enough to build a camp there, and I saw that they used only dry wood for fuel, and had been careful about the fire getting out, and I reported that I didn't consider it was worth prosecution; I reported a trespass on Palmer's purchase, lot 14.

Q. That is what township? A. It is Palmer's purchase, this tract here (indicating).

Q. Lot what? A. Lot 14.

Q. Where is that? A. Right here (indicating); I was sent in to look over this lot there; it is called the Holland township patent; I believe there were about 600 markets cut there; the man who cut those logs thought they were owned by Lemon Thompson, I believe.

Q. Of what place? A. I think he lives at Schuylerville.

By Mr. TEN EYCK:

Q. He lives in Albany? A. Yes, Albany is his home; this man Culver who cut the logs—

By Chairman WILDS:

Q. What is his name? A. George Culver.

Q. Of what place? A. He lives about three miles this side of Griffin.

Q. In what town? A. Let me see; the line crosses right near his place there; he lives in the town of Wells; I believe the lot he lives on, the line crosses on the lot.

Q. What line crosses? A. The town line—the county line; I will show you here; he lives on lot 16.

Q. Lot 16, township 29? A. Yes; 10 or 29; if you will notice, they are numbered right across, and they are always assessed and spoken of together as 10 and 29; if you will notice, the numbering of the lots commences on 10 and goes right across 29, as if it was one township.

Q. When was that trespass committed? A. I was going to say, this Mr. Culver supposed that he had bought the timber from the owners; in fact he showed me a letter from Mr. J. C. Eldridge, who is agent for Thompson, in which he said he could have the timber for a hundred dollars; but it transpired that it was on State land, and I believe he paid for the logs, paid the State for them; the logs were cut and piled, and the trespass was reported; let me see; Mr. Eldridge told me that he told Culver that he didn't know whether taxes had been kept up on that lot or not, but Culver thought the taxes had been paid, and I guess he simply sold him his rights.

Q. When did this trespass take place? A. I was in there the latter part of November last.

Q. You mean of 1894? A. Eighteen hundred and ninety-four; they were cutting and piling the logs then.

Q. Then your statement of the trespass being to the extent of 600 market logs is one that you make from personal examination of the lot on which the trespass was made? A. No, I didn't look up the trespass myself; I saw Mr. Culver, and he told me he had about 600 cut; he didn't know he had been cutting on State land, and came to see me about it; told me about how many markets there were.

Q. What was the character of the timber cut? A. Well, it was mostly spruce timber.

Q. And of what growth? A. That lot I believe had been cut over before; it was a second cutting.

Q. Do you know how small timber was thus cut by Mr. Culver? A. Oh, I think they cut it down to about eight inches.

Q. What was the acreage that had been cut over by him? A. Well, I couldn't say as to that, because I didn't look it over; I was sick; I got a heavy cold; after coming out from there I was sick for about six or seven weeks, wasn't out at all, and some other man made the settlement.

Q. What were the terms of the settlement of which you speak? A. I couldn't say as to that.

Q. By whom was it made? A. I couldn't say as to that.

Q. What knowledge or information have you as to any settlement made? A. Well, I made some inquiries about it and heard that he had settled for the timber and had drawn the logs.

By Mr NILES:

Q. From whom did you hear that? A. I think the first man told me about it was Mr. Richards; Hugh R. Richards went in with me; Hugh R. Richards I believe was the first.

Q. Was he the first one who told you about the trespass, or about the settlement? A. Mr. Culver was the first man who told me about the trespass; he came there to my house to see me about it; he asked me if this lot was State land, and I told him it was.

By Mr. WAGSTAFF:

Q. Where is this Richards from, Hugh Richards? A. He lives up near Baker's mill in this town.

Q. Town of what? A. Town of Johnsburgh.

Q. What is his business? A. Well, he is a farmer.

Q. Is he a surveyor? A. No, sir; he is not a surveyor; he has been a fire warden.

By Chairman WILDS:

Q. Is he, or was he, during the time of your service as inspector, fire warden of this district? A. I believe he was; yes, sir; I think he took more interest in it than any man I ever saw.

Q. How do you explain that interest? A. I couldn't, unless he liked the business, liked to look after it; the pay was not so great; I think he got \$2 per day for actual time spent in putting out fires.

Q. You mean that he looked after the business of fire warden? A. Yes, sir.

Q. Not after the business of this trespass? A. No, sir.

Q. I think your answer was given in such connection as to leave that inference? A. No; you asked me if he was fire warden at the time that I was inspector; I said that I believed he was, and he took more interest in it —

Q. In this business, you said? A. In his business.

Q. I understood you to mean the business of this trespass? A. No, the business of fire warden.

Q. Well, what other trespasses on State lands have you knowledge or information of? A. There was a trespass committed on, I think, those lots, Ellis patent and Hague (indicating on map); that is not allotted here; there is no allotment; the lots are not laid out on this map, but the trespass was committed somewhere in that vicinity, over on that lot, or that lot there (indicating).

Q. On lot 248? A. Two hundred and fifty-seven was the one adjoining; he bought 248.

Q. Two hundred and fifty-seven was State land? A. I believe so; yes, sir.

Q. And that is the lot on which the trespass was committed? A. Two hundred and fifty-seven; yes.

Q. By whom was that? A. Scott Barton.

Q. Of what place? A. Of Horicon.

Q. When was that and what was the extent of it? A. The logs were cut in the fall of 1894, I believe; Mr. Scott Barton bought lot 248, and I was sent over there to make an appraisal of the land when the bids were in.

Q. Did he buy that of the State? A. Yes, sir; I got a man who lives near there to go and show me the lines, a man by the name of Burt.

Q. Not John H. Burke? A. No, Burt; this is Orlando Burt I believe his name is.

Q. B-u-r-t? A. Yes; Mr. Barton went with me at the same time; there was no marked line that we could see, but he claimed to know exactly where the lines run, and showed me the location; Mr. Barton, after he went to cutting, got a surveyor from Chester to go there and run the line through, but it was altogether different than Mr. Burt claims it is at the present time; in that way he cut over; according to the survey of Mr. Mitchell, he cut over the line.

Q. Over the whole lot? A. No, over the line of 248 on to 257.

Q. To what extent? A. I should say about 200 markets.

Q. Is that by personal investigation upon the lot itself? A. Yes, sir.

Q. By counting the stumps? A. No, I saw the logs, or most of them.

Q. Can you state how many trees had been cut? A. No, sir, I couldn't; I couldn't count them at that time, because there was snow on the ground.

Q. What acreage would you estimate to have been cut over? A. I couldn't make an estimate as to the acreage; I judged by the logs that were in the piles.

Q. But you saw the field stripped of its timber? A. Well, the timber had been taken about there (indicating), but he hadn't cut any further than we supposed that the line went.

Q. Was it clean cut; what was taken? A. They had taken all there was, yes, that would make timber, pulp or lumber; Mr. Barton said, or the talk that we had was, when the snow got down, we would have another surveyor come there and make another survey of the land, to see whether he had really cut over on that lot or not; and I so reported to the Commission.

Q. What further was done in reference to that matter? A. Well, nothing further was done; about that time this new bill passed — it was the latter part of the winter or spring — and nothing was done about it, I believe.

Q. No settlement or prosecution was ever made? A. I think there has never been a settlement or prosecution.

Q. Do you know what was done with the timber? A. Yes, it was drawn down Lake George.

Q. And sold to whom? A. I think that went down to Ticonderoga, to the pulp company down there.

Q. The Ticonderoga Pulp Company? A. I think so. What is Coleridge's company; is not that the Ticonderoga?

Mr ELDRIDGE.—I think it is.

The WITNESS.—Yes, sir; I think that is it; I heard Mr. Barton speak about selling it to the Coleridge's; Mr. Barton was the first to make the report of that trespass to me, and was anxious to settle it; since my term of office expired I don't know whether there has been anything done about it or not.

By Chairman WILDS:

Q. What further trespass have you knowledge or information of on State lands? A. I was sent to examine lot 29 in the gore, between township 12 and Hyde township; I found a few cords of pulp had been cut there, perhaps three or four cords, and some stove wood; I reported that to the Commission, but they sold the lot, and I guess nothing was done about that.

Q. Estimated in markets, what does that amount to? A. The pulp?

Q. Yes.

By Mr. ELDRIDGE:

Q. Was it cut in logs, or four-foot wood? A. It was cut in four-foot wood; I couldn't say as to that.

By Chairman WILDS:

Q. All small timber? A. Yes; it was small poplar; they all call it "popple" through this section of the country.

Q. By whom was that trespass made and when? A. I understand that was cut by a man by the name of Sweeney.

Q. What is his first name? A. Patrick.

Q. Of what place? A. He lived near Wevertown at that time, I believe.

Q. Do you know where he is now? A. He lives up in Newcomb in Essex county, Long Lake, Hamilton county; the State sold this lot, and I guess never made any prosecution for the trespass.

Q. When was this? A. It was, I think, in the fall of 1893.

Q. To whom was that lot sold by the State? A. I think that Moynehan got that lot—Patrick Moynehan.

By Mr. ELDRIDGE:

Q. Is that lot outside the Forest Preserve?

Chairman WILDS.—No; everything within Warren county is embraced within the Forest Preserve, under the law, that belongs to the State.

Q. It is outside of the blue line?

The WITNESS.—It is out of the park line.

Chairman WILDS.—That park line, however, is not one which is recognized in any respect, as I understand.

The WITNESS.—I believe that is all the trespasses that I reported; that is all that I can remember now.

Q. Well, did you report all trespasses of which you had knowledge or information? A. Yes; I believe I did.

Q. And as I understand your present statement, it is that these are all that you remember to have reported? A. I think so; it is all the trespasses that I remember to have reported, except I reported to the Commission—that was when I was sick—I reported that I understood there had been some trespass committed in the vicinity of lot 34 in the 11th township; I reported that I had been informed that there had been a trespass committed on or about that lot.

Q. By whom? A. I didn't learn; I believe the last report of the Forest Commission shows that there was a settlement made for that trespass, but I didn't look it up and had no personal knowledge of it.

By Mr. NILES:

Q. Did you receive notice of any trespasses that you failed to report? A. I believe not.

Q. Don't you know? A. I would say that I did not.

Q. Was your attention ever called to trespasses in townships 11 and 29, which trespasses you did not call to the attention of the Forest Commission? A. In 11 and 29?

Q. Yes? A. I reported a trespass on lot 17, township 29.

By Chairman WILDS:

Q. Township 29? A. Yes; and Mr. Fox, the superintendent, told me that that lot had been redeemed, or was about to be redeemed, by the Morgan Lumber Company, I believe.

By Mr. NILES:

Q. Do you remember a trespass to which your attention was called by Mr. A. W. Smith in either township 11 or 29? A. No, sir.

Q. Wasn't your attention ever called to any trespass by him? A. Not particularly, I believe.

By Chairman WILDS:

Q. Was your attention ever called to a trespass in township 11, on the Sacondaga river, town of Johnsburgh, that you referred to Thomas Powers? A. That I referred to Thomas Powers?

Q. Yes. A. No, sir; I never referred anything to Thomas Powers; it wasn't my business to do so

Q. Did you, in reply to information given to you of trespass on the Sacondaga river, in township 11, say that it belonged to Thomas Powers to look after, that it was not in your district? A. I think not; I think I never said anything of that kind; there was some talk about the examination of a little lot of land; I think that is in township 29.

Q. Did you ever hear of a trespass on township 11, lots 15, 16, 17, 32 and 34 of State land? A. Well, 32 and 34 would be in township 11.

Q. Township 11, lots 15, 16 and 17? A. Well, the trespass that I spoke of there, in the first place, as being in the vicinity of lot 34 would include that trespass if committed on lots 15 and 16.

Q. Fifteen, 16 and 17? A. You see they join there; and in making my report, I reported that this trespass was committed on or in the vicinity of lot 34.

By Mr. NILES:

Q. How extensive a trespass was this that you reported? A. I never was directed to make an examination of that; and, by the way, I learned after this report was made that the trespass was committed before I was appointed; and, as I say, I think the last Forest Commission's report shows that it had been settled for.

By Chairman WILDS:

Q. Have you at any time had information that the trespass on the lots 15, 16, 17, 32 and 34 of township 11, was, to the extent of 1,500

acres, cut there? A. I never heard it spoken of as by the number of acres; I heard that there were several thousand markets cut there.

Q. At least 7,000 market logs? A. I heard about 6,000.

Q. Other statements make it over seven, seven at least? A. And that is only report.

Q. And do you state that the last report of the Forest Commissioners shows that a trespass to the extent of six or seven thousand market logs on those lots, taken from those lots, being State land, has been settled for? A. I think that it mentions two lots; I think it does.

Q. There is said to have been a settlement for \$50 of a trespass on some portion of those lots, according to the Forest Commission's report? A. Yes, sir.

Q. Which is an insignificant sum as compensation for a trespass of the kind which you state you know of, is it not? A. I didn't say — I only hear this by report; I never examined the lots.

Q. And you say that trespass was committed before your appointment as inspector? A. So I understand; yes, sir.

Q. And did you never, during your appointment, make any investigation or inquiry in reference thereto? A. Well, after I heard of it — I heard of it when I was sick — after I heard of it, I didn't have an opportunity to do so, I believe.

Q. When was your illness? A. It was about the 1st of December and extended —

Q. Eighteen hundred and ninety-four. A. Yes, sir; and extended through the winter; there was about six or seven weeks that I wasn't out of the house; when I got out I wasn't able to make any tramps in the woods for some time.

Q. Then during December of 1894 and January, 1895, you were so confined from illness from the discharge of your duties? A. Yes, sir; I was engaged at that time in making an examination of townships 10 and 29 and had to give it up and they sent another man to do the work.

Q. Do you know who was assigned for that service? A. Thomas Powers.

Q. Do you know what investigation, if any, was made by him? A. I was sent to examine these lots, townships 10 and 29, to fix a value upon them; the State was talking of buying the lots.

Q. Not these particular lots to which your attention is now called? A. No, sir; you have reference to the trespass in township 11?

Q. Yes. A. No, sir; I wasn't sent to examine those lots; I was examining 10 and 29; you see the State has all this piece here (in-

dicating); I was directed to examine, say, the south-east part of township 10 and southern and eastern part of township 29; I had been over quite a number of the lots; came home at Thanksgiving time, and was taken sick and I couldn't go back.

Q. When was it that you understood the trespass was committed on lots 15, 16 and 17, 32 and 34 of township 11? A. I should think it was about three years ago.

Q. Is that the last time of which you have information of a trespass? A. I think it was about that time; some little time ago.

Q. Did you know of the trespass at the time of your appointment as inspector? A. No, sir.

Q. Were you ever informed that John J. Wakely was the trespasser? A. Yes, I heard that he was the man, or that he did the job there.

Q. For Pat Moynehan? A. Yes, sir.

Q. Did you ever hear that Jessie Wells was in any way connected with that trespass? A. Never.

Q. Did you ever hear that George E. Cooper was in any way connected with that trespass? A. I think not; I don't think I heard his name mentioned in connection with it.

Q. Did you ever hear of Charles or Melanchthon Dunkley as connected with that trespass? A. No, sir.

Q. Or D. Morehouse? A. I think I did hear that he worked in there; probably as I understood it, that he had a small job.

By Mr. WAGSTAFF:

Q. Who did you get your information from? A. Well, I have heard different people speak about it.

Q. Can't you name any person? A. I think I heard Mr. Richards speak of it.

Q. What Richards? A. Hugh R.

Q. Any other? A. I wouldn't say positively; I don't know but what I heard Mr. Smith speak about that.

Q. What Smith? A. A. W.; I wouldn't be positive of that.

By Chairman WILDS:

Q. Who is A. W. Smith to whom you refer? A. Well, he was formerly minister in charge at the Methodist Church, and he went in the mercantile business there at Johnsburgh; he lives there at Johnsburgh Corners.

Q. Well, we understand Mr. A. W. Smith to state that during the fall of 1892, on or about the month of October, he became aware that

parties were cutting timber on State lands in township 11 and also in township 29, Warren county, New York, and also during the summer and fall of 1893; and that soon after your appointment as inspector of the forests, he is understood to state that he informed you of the facts, and he told you that it would be best for you to investigate the same; that he spoke to you three different times about this matter, and particularly called your attention to the subject in the fall of 1893—what have you to say in reference to that? A. I have no recollection of his making any such report to me.

By Mr. NILES:

Q. You do not state that he did not make that report? A. Well, I give it as my opinion that he did not; if he had made such a report to me, it would have been my duty to investigate it.

By Chairman WILDS:

Q. Did you inform him that Mr. Powers should see to the matter—that you would inform Mr. Powers of the fact that timber was being cut there on State land? A. I don't think that I ever told him any such thing.

By Mr. WAGSTAFF:

Q. What do you remember that Mr. Smith told you about this trespass? A. I don't remember of having any conversation with him about it at that time.

Q. But you have testified that he told you about this trespass? A. I say he might have told me about it last winter.

Q. Well, what makes you think that he told you about it? A. My impression is that I was up there at the Corners one time and stepped into the store and that he spoke about this trespass; that was after I had made my report of it though to the Commission.

Q. After you had reported to the Commission? A. I think so.

Q. Well, what did he say to you? A. Well, I couldn't remember; we didn't have much talk about it; we merely spoke of it; and I think he was one of the persons who told me that he understood there had been about 6,000 market logs cut in there; I have no distinct recollection of the conversation; only it is my impression that I did have such a talk with him.

Q. Then you are positive that it was after you had reported the trespass to the Forest Commission? A. Yes, sir, I think so; for the reason that I had made this report when I was sick.

By Chairman WILDS:

Q. Did you ever communicate with Mr. Thomas Powers, forester, in reference to that alleged trespass? A. I don't know as I ever did about that or any other matters about what he was to do.

Q. Mr. A. W. Smith is also understood further to state that you afterwards informed him that this Powers was to blame in the whole matter, and that you told Mr. Fox of the whole matter and traveled over the territory with Mr. Fox; what have you to state in reference to that? A. I will swear positively that I never told Mr. Smith any such thing.

By Mr. WAGSTAFF:

Q. Did you go over the land with Mr. Fox? A. No, sir; Mr. Powers did not work under my direction; and any work that he was given to do he got from the superintendent or from the Commission; I never assumed to give him any directions.

Q. Were not the inspectors superior in office and position to the foresters? A. I don't understand that the foresters were in any way responsible to the inspectors.

Q. Have you never understood that the foresters worked subordinate to the inspectors? A. No, sir; I have no such understanding.

Q. And subject to their direction? A. No, sir; they worked under the direction of the superintendent; that is my understanding of it.

Q. Under what circumstances, if any, have you personally ever undertaken to settle for a trespass? A. I never undertook to settle any trespass.

Q. And never made any settlement? A. No, sir; had no authority to make any settlement.

Q. What forester did you chiefly work with? A. Not any of them.

Q. Or have particular relations with? A. None of them.

Q. In the discharge of your duties, as inspector, what did you do other than to make investigation of the several trespasses of which you have testified here and report thereon? A. What other work did I do?

Q. Yes. A. I examined lands that the State were to sell, expected to sell.

Q. And that is all? A. No, I did other work.

Q. Did you also examine lands that the State expected to buy? A. Yes; I was engaged in that business when I was taken sick, townships 10 and 29, and I went over onto this H. T. P. lot that I have shown you there to examine that; there was

one matter perhaps they might have got mixed about my saying that Powers — that he neglected to do work that he was expected to do or something of that kind ; I was in Albany and Mr. Fox gave me a list of certain lands to examine ; he asked me if I knew John Edmonson, and I said I did.

By Chairman WILDS:

Q. Of what place? A. Of Johnsburgh ; he spoke about his having a lot in there that he wanted to sell, and said that he had written Mr. Powers to do that work ; I felt rather curious to know why he had sent Mr. Powers to look that lot of land over — it was in my town — but made no inquiries about it ; afterwards Edmonson told me that Mr. Fox wrote him that they were waiting for me to make a report on it before they could purchase the land ; I told Mr. Edmonson I never had been ordered to examine the land ; Mr. Fox told me that he had directed Mr. Powers to make such examination ; the same day I think I wrote Mr. Fox, making the same statement, that this land was not given to me to examine, and soon after I got an order to examine the land, which I did.

Q. Have you not, outside of your duties as inspector of the forests, had knowledge or information of any trespasses on State lands? A. During the time I was inspector?

Q. Outside of that, at any time during the last five years? A. No positive knowledge.

Q. Have you had information of such trespasses on State lands? A. I think not without they was reported.

Q. By whom? A. Unless I reported them ; if there were any reports made to me of trespass, I reported it to the department.

Q. That is in the course of the discharge of your duties when you were serving as inspector ; I now inquire with reference to your other knowledge or information during the last five years? A. Yes, I have heard it reported, but I couldn't say positively ; now there is about 840 acres of State land that is near where I live ; I have heard at different times that different people had cut some timber on that to a small extent, different parties ; I never saw any one take any from there, and have no knowledge of it myself ; I examined that lot—

Q. Which was known as what? A. Lot 25, 24th township ; — a year ago last fall, and saw that there had been some timber cut there, but I couldn't say who cut it ; it had been done several years ago, perhaps within the last five years.

Q. What was the extent of the trespass? A. Well, I couldn't say as to that ; when I was on the lot, I went to examine it as to what

was on it at the present time, just as to the value of the land, that was all, and made my report on it.

Q. And have you had no knowledge or information of any continuing trespass on that lot? A. Well, I heard last winter that the Stanleys, Herbert and Watson Stanley, had drawn some logs from there that were cut by Moses Marsha, but I supposed at the time that the lot had been bought by Patrick Moynehan, and I think in the list of lands sold by the Forest Commission that that lot is included; I have heard lately, however, that for some reason or other he didn't take the lot, and I don't now know whether the State owns it or whether Mr. Moynehan owns it.

Q. Where is that? A. In the 24th township, lot 25.

Q. Has any trespass been committed on State land known as lot 24, township 24? A. Not that I know of.

Q. Or lot 18, township 24? A. Well, since or about the time this new law passed I heard that there had been some timber cut on there.

Q. By whom? A. I didn't hear who it was; it was about that time—may be after.

Q. What was the extent of the trespass? A. I didn't hear as to that.

Q. Did you at any time ascertain the extent of the trespass committed on lot 25 of township 24? A. No, sir; as I say, I was sent there to examine a lot that was to be sold by the State; and as I understood, it was afterwards sold to Mr. Moynehan, and is in the list, I believe, of lands sold by the State; so I had no reason to examine it.

Q. To what list do you refer? A. I think it is included in the last report of the Forest Commission of lands sold.

Q. By whom have you been informed that the statement of that list, so far as it refers to lot No. 25, is erroneous? A. I couldn't say, but I heard say that.

Q. Have you ever been told by Pat. Moynehan, himself? A. No; I don't think so; I am quite sure that I never have been; I had some talk with Mr. Moynehan about that after he bought it.

Q. You don't mean bought it in fact, when you understand he had never bought it? A. The understanding I had was that he had bought that lot, and I believe it is included in the list of lands sold by the State to Patrick Moynehan; if I am not mistaken the list says, "sold to Patrick Moynehan," and I understand that he bought it; that it was the property of the State, until lately; I think within the last week I have heard that he hadn't bought that.

Q. From reliable sources of information? A. I think I heard my son say that he didn't own the lot.

By Mr. WAGSTAFF:

Q. What is your son's name? A. John W.

By Mr. NILES:

Q. And what would be your son's knowledge or information of the matter? A. Oh, just hearsay; I don't suppose that he has any knowledge of it.

Q. Is your son a lawyer? A. No, sir; he is a farmer.

By Chairman WILDS:

Q. Have you any knowledge or information of any other trespasses on State lands, where there has been cutting or taking away of timber therefrom, at any time during the last five years, except as you have now testified to? A. Did you say knowledge or information?

Q. Both. A. Well, no positive knowledge or reliable information that I remember of.

Q. Well, let us be the judge of the reliability of it. A. I couldn't say it was within five years that the trespass was committed; I don't remember as to the time; I know there was — I couldn't say that it was within five years, or before.

Q. What trespass have you in your mind at this time? A. My brother is a lawyer, and he was employed by some parties in Minerva that were lawing about some timber, about a job, or something or other of that kind.

Q. Do you remember who the parties were? A. I think it was William Case and one of the Burns; I don't remember which one it was.

Q. What was the trouble in that matter? A. Well, there was some difficulty about the job.

Q. What had it to do with State lands? A. Well, if I am not mistaken, the docket of the suit shows that that question was brought up during the trial, if this timber was taken from State land; I think that question was asked, if the timber was taken from State lands; and that was the understanding that I had, that the timber was taken from State land, and that case of Burns, whoever had the job or let the job, let it for another party.

Q. Where was this timber taken from State lands? A. I don't know what lot it was from, but I think it was in the town of Minerva.

Q. Do you know what township? A. I couldn't say; I never had any occasion to look it up; It is merely hearsay anyway.

By Mr. TEN EYCK:

Q. How long ago was this? A. I couldn't say as to the time; I told them I couldn't remember whether it was within five years or four; it is hard for one to remember something that they are not particularly interested in for that time; I had no particular interest in it.

By Chairman WILDS:

Q. Haven't you had knowledge or information of trespass committed on the State land known as the Gospel and School lot, township 32?

A. I have heard that they have taken timber on that lot.

Q. What is your information on that subject? A. That is all the information I could give; I have heard that they have taken timber on that lot.

Q. When did you hear it; when did you understand the trespass was committed and by whom? A. My understanding, as I heard it, that it was done several years ago; quite a number of years ago.

Q. By whom? A. I didn't hear.

Q. Have you heard of no recent trespass, say since the time of your appointment as inspector, in reference to that land? A. The Gospel and School land in township 32?

Q. Yes? A. I should say not; I haven't done any work in that vicinity.

By Mr. ELDRIDGE:

Q. How long do you understand that the State has owned the Gospel and School land? A. My understanding is, that the Gospel and School lands have been the property of the State for a long time; that is my understanding of it,

By Chairman WILDS:

Q. It was always set apart to be forever inalienable; didn't you understand it so? A. I had an occasion to examine township 32 a few years ago, but not the Gospel and School land; I never, that I know of, have been on to that lot at all, on to the Gospel and School land; I examined that lot (indicating); I had authority to sell it for the owners to the State, offer it to the State for sale, at the time that Mr. Cox and Mr. Knevals and, I believe, Mr. Basselin were commissioners; about 16,000 acres; it was owned by W. H. Bloomingdale and later by his estate; I offered the land to the Forest Commission.

Q. What transpired? A. I spoke to Mr. Townsend Cox about it, and he said it would be put down on their list as the first offer of land.

Q. For sale? A. Yes; he afterwards told me that he thought his brother would like to buy it, and I told him I thought there was more than enough timber on the land to pay for the land.

Q. Well, have you ever had information of any trespass committed by Hosea G. Locke on the Gospel and School lot of township 32? A. I believe not; no, sir.

Q. Or of trespass committed by or at the instance of or on account of Patrick Moynehan? A. No, sir; I believe not.

Q. Or A. C. Hall? A. No, sir.

Q. Have you ever heard of there having been 3,000 market logs taken from the Gospel and School lot of that township? A. No, sir.

Q. What is your information as to the extent of the trespass? A. No particular amount was fixed, and it was only what I had heard talked in the different places, that there had been timber cut on the Gospel and School land, and that not lately — I haven't heard of that lately.

Q. Have you had knowledge or information of any trespass committed on township 50, lots 97, 98 and 99? A. No, sir.

Q. Or of any trespass on those lots, committed by W. H. Baker? A. No, sir; I haven't heard of any.

Q. Have you had knowledge or information of any trespass committed on the State land in the gore south of township 31, lots 10 and 11? A. No; I think not.

Q. Have you had knowledge or information of any trespass committed on State land in the gore south of township 11, lots 1 and 2? A. No; I believe not; I was in that vicinity; I think it was a year ago last March, and examined lots 3 and 4 and 17 in there; was the trespass you refer to committed since that time?

Q. What knowledge or information have you of trespass committed on the State land of township 29, Russell tract, the 352-acre lot and the 500-acre lot? A. I don't know of any lots that is designated in that way; you can see how that is cut up.

Q. This is the 352 and that is the 500-acre lot (indicating)? A. There was no trespass committed on those lots.

Q. What? A. I haven't heard of any; by the way, in the north-west corner of the township of Thurman there is a little gore corner of State land upon which the Morgan Lumber Company are understood to have trespassed; there was a man lumbering in there by the name of Bolton; he was lumbering for them; and I heard he cut over the line there; and I think I reported it at the same time that I reported about the cutting on lot 17, township 29; and I don't know whether Mr. Powers was to examine that when he went in there or not; he

came to my house when I was sick and got a map that I had that belonged to the Morgan Lumber Company.

Q. Well, within what area can you state that your knowledge or information as to any and all trespasses on State lands is confined?

A. Well, I have stated all that I can remember.

Q. Did you have any understanding of Mr. Powers' duties as forester extending over any territory covered by your own? A. Well, as I said before, I didn't think that I was ever assigned to any special territory; the understanding I had of it was that the foresters were to do certain work, and that I was to do work that was especially assigned me by the superintendent or the Commission, so that I did not consider anybody infringing on my territory if they did work here, unless, as I say, at the time I was sent to examine lands right in that locality, that Edmonson lot; Mr. Fox told me had written Mr. Powers to examine that lot, and I didn't understand why it was, but I guess he made a mistake and hadn't written Mr. Powers to go and examine it at all, because he afterwards wrote me.

Q. Have you ever had knowledge or information of trespass on State land of the Gospel and School lot, township 17? A. At the same time I heard of this trespass on the Gospel and School lot in township 32, I heard that they had cut timber on the Gospel and School land in township 17; that was some time ago.

Q. How long ago; do you refer to the cutting or your information?

A. Well, I should think what I heard of it was as much as five or six years ago.

Q. On both lots? A. Yes.

Q. And as I understand you have had no information of any later cutting? A. I haven't had any information of any cutting up there; I have done no work up in that vicinity for the Commission.

Q. You have never investigated? A. Never investigated.

Q. Never been in the country up there? A. Yes, sir; I have been all through that country, or through a great part of it.

By Mr. TEN Eyck:

Q. Not on official business? A. Not as inspector; and as I say, this was something that was done some years ago.

Q. Were the duties of inspector to do only such work as was directed by the Commission or superintendent? A. That is the understanding I had of it, that I was to work under their direction.

Q. And in case a forester got into a hole or was guilty of some negligence, then you were sent to look the matter up? A. Yes, sir;

and I examined quite a good deal of land, because the commissioners had a good deal of work to do.

By Chairman WILDS :

Q. Let me inquire what "hole" you ever understood any forester got into? A. Well, Mr. Ten Eyck will explain that, as he is the originator of the expression.

Q. Well, I understood you accepted his statement? A. Well, he added, "or trouble," I believe; that is the understanding I had of it, if he had more work on hand than he could do.

Q. Did you ever have knowledge or information of trespass on Hyde township, lot 39, made by one Daggett? A. Yes, sir.

Q. What is your knowledge or information of that matter? A. Well, Daggett formerly owned a lot, I believe, and lived there and cut hay; he moved away; some other parties claimed that they had taken hay from Daggett to cut; I told them that the State owned the land, and that Daggett had no authority to make any contract with them to do any work of that kind; there was a man came to see me about it since my term of office expired, along about June or July; I told him I had nothing to do about it, and referred him to the Forest Commission; he wanted to cut the hay; no cutting of timber or anything of that kind, I believe; I would say a year ago last May and June I spent about all of my time looking up the occupancy of the State lands by direction of Mr. Fox; it was done for the Comptroller, I believe.

Q. What knowledge or information have you of any permission, authority, license or acquiescence having been given or made by any forester, inspector or other State official in respect to the cutting or taking of timber from any State lands? A. I have no knowledge of anything of that kind being done.

Q. At any time? A. No, sir; they had no authority to do anything of that kind; the Commission, as I understand it, were the only power that had authority to authorize anybody to cut timber.

Q. And do you understand that the Commission have ever authorized the cutting and taking of timber from State lands? A. Oh, yes; they have sold a good deal of timber from State lands.

Q. Has such sale been effected through any inspector or forester, of which you have knowledge or information? A. Why, I have heard that there have been some sales of timber effected through Mr. Powers; I suppose he was working under direction of the superintendent.

Q. What is your information on that subject? A. The newspapers, I believe, made charges against Mr. Powers, that he had sold timber

upon State land, and I had heard the matter discussed generally; I have no knowledge of it myself.

Q. Is that all that you have heard? A. What I have heard generally?

Q. Is that all that you have heard, generally or particularly, in reference to the matter? A. Yes, that is all I have heard; I have heard that the timber was sold; I think that I heard the matter talked of in the office one time in Albany; he said that Mr. Powers had accounted for the timber that had been sold.

Q. What other cases of sales of timber upon State lands are there of which you have knowledge or information, as made through Mr. Powers or any other official? A. Well, I have had nothing to do with any of those sales, so I know nothing about them.

Q. And you cannot identify in any respect any sale so made? A. No, not of my own knowledge I could not.

Q. I am asking you for your information on the subject? A. I couldn't give any particular case of any sales of timber.

Q. Did you ever have knowledge or information of any trespass committed by Philander Baldwin on State lands? A. No, I think not; Mr. Baldwin owned a lot; if I am not mistaken, it is lot 75 in Palmer's purchase, if I remember correctly, and he was one of the parties that I served notice that the lot had been sold (indicating on map).

Q. What knowledge or information have you of any trespass committed on State land by Joel Brooks? A. I don't think I have any knowledge of any trespass committed by him.

Q. Have you no information of his trespass on the Gospel and School lot of township 17? A. No; I only heard of the trespass on those lots generally, that they had cut the timber on there, some of the lumbermen in that vicinity.

Q. Have you any knowledge or information of T. D. Depan having any interest in logs or timber cut or taken from the Gospel and School lot of township 17? A. No, sir.

Q. Or Pat Moynehan having such interest? A. No, sir; I think not; I think when I heard of it—

Q. Or A. C. Hall? A. I think not; my recollection is, that I heard some one talking of it generally, that they was taking timber from State lands in different localities, wherever they wanted it, and that they had cut the timber on the Gospel and School lands, without reference to names; that is my recollection of it.

Q. Well, from your experience as an inspector, and from your knowledge of the duties of the office and of the requirements of the

law with reference to service by inspectors and by foresters and by other officials for the care and preservation of the forests, have you any suggestions to make which may be for the improvement of the law and for the better protection of the forests? A. Well, I don't know but what such a course might be taken under the present law, but if it cannot, if the law could be made so that these men who steal timber from the State lands should be treated as common criminals who steal property from private individuals, I don't think there would be very much of it done.

Q. Have you ever known of the penalties under the existing statute ever being enforced? A. Well, I understand that this man Whitaker was indicted for cutting timber in that locality where I have spoken of, and that he was imprisoned in the county jail.

Q. That is the only case of prosecution that you ever heard of? A. I think it is the only case that I ever heard of a man being imprisoned for stealing timber.

Q. Or isn't it the only case that you ever heard of where there was a prosecution for taking timber off State lands? A. Criminal.

Q. Have you ever known of the penalty of \$25 per tree cut upon State land being imposed? A. No, never.

Q. You understand that that is the penalty under the existing law? A. Yes, I understand.

Q. Have you any other suggestions to make? A. No; the constitution fixes the other suggestions that I would make very well, I think; I have always been opposed to the sale of timber or the sale of State lands, or to the stealing of timber, but I suppose that you know until within the last few years, or since the Forest Commission was first organized, that previous to that time, why a man who got caught stealing timber simply paid the value of the timber, and sometimes half of the value or less; if he got away with it he paid nothing; I think if the people who steal timber upon State lands were treated as other criminals are treated, that there would be very little timber taken.

Q. Do you think that individual owners of property find their estates amply protected without the necessity of employment of individuals as protectors? A. No.

Q. I refer to timber lands? A. No; I don't think they would; I think if the owners of the lands did not look after their lands, that they would cut on them just as quick as they would on State lands; but most every one knows, if they cut on private property, they have got to settle.

By Mr. TEN EYCK:

Q. In this case of Whitaker that you spoke of, was that a willful trespass? A. Yes, sir; I think it was—because the man really owned no land there.

Q. He didn't claim to own any land? A. Well, yes; he claimed to own the subdivision that he lived on; he hunted in his house to find the tax receipts, to show that he had paid the taxes; he didn't find the receipts, but he said he had paid the taxes.

Q. He didn't show anything that would give him the least claim of title? A. I think not.

Q. Is that as you understand it? now, these other cases that you have spoken of, except the one where the man ran away, and the other case in that same vicinity—I think you spoke of three there? A. Yes.

Q. Were any of those other cases now that you spoke of, cases of willful trespass? A. Yes, I think they were; I think those three cases there in that vicinity was willful trespass.

Q. But, I say, the cases other than those that you have spoken of, were they cases of willful trespass? A. Well, the case of Barton's, I am very sure that was not a willful trespass, because I was deceived as to the location of the line as well as Mr. Barton; that was a very nice lot of timber.

By Chairman WILDS:

Q. Have you thought of the name of the first trespasser, whom you intended to refer to, on lots 85, 86, 87 and 88 of the John Glen and 44 Others patent? A. Well, I can not remember his name.

By Mr. NILES:

Q. You spoke about its being difficult to locate the lines of the lots; why is it difficult to do so? A. Well, one reason is the variation of the compass; let any surveyor go into the woods now and run a line as the needle formerly pointed, he wouldn't run anywhere near a line.

Q. On account of the variation of the compass? A. Well, that and then there is magnetic attraction in a good many localities. You can not tell anything about it on account of magnetic attraction; You can not run a correct line.

Q. And for that reason do you think it would be necessary, in order fully to protect the State lands, that the lines should be rerun? A. I think it would be a good thing.

Q. Do you think it is necessary? A. In a good many cases it is.

Q. Are the old lines largely obliterated? A. Yes, they are.

Q. What steps, if any, did you take, while you were inspector, to prevent depredations? A. Well, I got what information I could from different people as to whether there were any trespasses being committed in the vicinity of where they lived; I think the enforcement of the forest laws, like the enforcement of all other law, depends largely on the people in the localities; I had, for instance, about six years' experience in the protection of game and fish, and I acted upon the principle that the people must look after the enforcement of the law themselves, otherwise an officer couldn't do anything; while I was protector I organized clubs in different localities, and I thought I had about as well an organized district as there was in the State.

Q. Clubs for what purpose? A. For the protection of fish and game.

Q. That doesn't apply to the forest? No; but I say that the same will apply to the enforcement of the forest law.

By Mr. TEN EYCK:

Q. The same principle, you mean? A. Yes.

By Mr. NILES:

Q. And what, in your opinion, is the local sentiment in regard to forest depredations? A. Well, I think there is a majority of the people that is in favor of the enforcement of the law.

Q. How did knowledge of the forest depredations come to your notice? A. Oh, sometimes people would write me, and sometimes they would write directly to the department and I would get my information from the department; in the case of this depredation down in Saratoga county, I was sent there in the first place by the superintendent to see whether there was any trespass there or not; in the first place, I got a map—I found a surveyor that had a map—and located the lots and found out how the subdivisions were; as I said, I went in the woods there myself and found this man cutting and he ran away.

Q. Were you depending altogether for your knowledge of these depredations on chance information that might be brought to your notice? A. No; always when I had business in different localities I would look for myself to see if there was any trespass committed.

Q. Well, don't you think that it is necessary for the officials having charge of the matter, to inspect the State lands personally, in order to determine whether depredations are being committed? A. I think that every forester should inspect all the State land in his district; the

districts should not be so large but what a forester should visit the State lands and make a personal inspection of them himself.

Q. Well, where there is common rumor of depredations, is that liable to come to the ears of an official? A. Yes, sir.

Q. Well, don't the people — don't the residents attempt to keep the knowledge of these depredations, from the officials? A. Some of them do; yes, sir; then others who are really in favor of the enforcement of the law, would hesitate about making a complaint on account of the opposition they would meet with from those who are in the business.

By Mr. TEN EYCK:

Q. Is the New York Herald circulated in this locality? A. The circulation of the New York Herald is small in this locality.

Q. But it is circulated here? A. Yes, sir.

Q. And in the locality in which you live? A. Well, at our post-office there is no one that takes it there; it is a small post-office; I buy it occasionally.

Q. You spoke about Mr. Powers selling the timber on State lands; where did you derive that information? A. I said that the newspapers made the statement.

Q. Do you remember what newspaper? A. Well, if I am not mistaken that was in the Herald, and then it was copied in some of the local papers, I believe.

Q. Well, didn't that create a great deal of common rumor? A. Yes, it did.

Q. And as a matter of fact wasn't that the principal source of all the common rumor? A. I presume so.

By Mr. NILES:

Q. Is there any marketable timber left upon the State lands in this vicinity? A. Yes.

Q. To what extent? A. Oh, there is a good deal of it, there is a good deal of it.

Q. Is there any primeval forest? A. Yes.

Q. Can you form any estimate of the amount? A. No, I could not.

Q. Do you know anything about the proportion? A. I couldn't give that.

Q. Well, is the amount large or small of marketable timber? A. There is quite a large amount of marketable timber on State lands for instance, now that lot 248 the State sold over there to Barton had some as nice spruce timber as I ever saw.

Chairman WILDS.—Two hundred and forty-eight of the Ellis patent.

By Mr. NILES:

Q. What I am particularly anxious to ascertain is, how the knowledge of these depredations can best be brought to the attention of the officials having charge of the matter; and I will say, to explain that question, I want your opinion as to how that knowledge could be best brought to the attention of the officials, whether by personal examination or by the employment of agents in the different townships, or in what manner? A. In my opinion the best method would be to have the forester's district small enough so that he could make a personal inspection of the land—make him responsible.

Q. Well, do you consider that a physical possibility, to cover the State lands by personal examination? A. Well, yes; I should say it would be if they made the district small.

Q. You think if the district was smaller that the forester, if required to do so, could personally examine the State lands? A. He could make all the examination necessary; for instance, this timber has got to go in some stream and go to some mill, and it is not so much of a job for a man to look over quite a little territory as to the cutting of timber in this section when it is cut in the summer or fall and drawn to the stream or mill in the winter; you wouldn't have to examine every bit of the State land; he would have to have a general knowledge of it and visit the different localities; I think that he could get all the information necessary.

Q. Well, as I understand it, the timber is cut at about this season o the year, and it is not put into the river till the winter or spring, is it? A. Winter, yes.

Q. And in the spring taken down to market? A. It goes down the streams to market; down in Saratoga those people go and cut a load and draw it to the mill on a wagon; or if it was in the winter, on sleighs; they would steal just as much timber in the summer as in the winter; but those are only little petty trespasses.

Q. Then to actually discover the depredations while they were taking place, it would be necessary for the forester to visit the State lands; that you think could be done? A. Yes; it could be done for this reason; quite a good many men have to be employed; men are going in and coming out; it wouldn't be so very difficult for the forester to look over quite a little bit of territory.

By Chairman WILDS:

Q. You have alluded, in your testimony, to one single trespass of which you had information, as made by John J. Wakely, I believe?

A. You asked me the question if I heard anything about his cutting timber in the vicinity of lot 34.

Q. I called your attention to a number of lots in the neighborhood of lot 34 of township 11, you remember? A. Yes, sir.

Q. Have you ever heard of any other trespass on State lands, where there has been cutting or taking away of timber therefrom, which has been attributed to John J. Wakely? A. I don't know that I ever did.

Q. You know of him as an extensive jobber, do you not? A. Yes, sir.

Q. Doing a good deal for Pat Moynihan? A. Yes, sir.

Q. For whom else have you known him as a jobber? A. I think he used to do some jobbing for Thompson.

Q. Lemon Thompson? A. I think so.

Q. Any one else? A. Well, I don't know of his doing jobs for any one else.

By Mr. TEN EYCK :

Q. Do you think that it would be for the best interests of the State, or, in other words, would it pay the State if all the State lands were resurveyed, and then have the trees at intervals marked, and, also, have notices posted at intervals setting forth on which side of the line the State lands were, and, also, the penalties that would be imposed if a trespass to State lands was committed by the cutting or removing of the timber therefrom? A. Yes, sir; I think it would be; there is no question about that.

Q. And in addition to that, do you think it would pay the State if it employed a sufficient number of foresters who would have the time to continually travel over these different lands and see whether trespasses were committed or not? A. Well, I don't think it would be necessary for them to continually travel over the different sections, because it is only certain seasons of the year that there is cutting and taking of timber; and as I say, one forester could look over quite a large area of State property.

Q. How large an area do you think he could look over, how many miles square? A. Well, I think that a forester could look over a county easily; I think he could organize it, if he was responsible, largely responsible.

Q. What do you mean by "organize it?" A. Well, arrange with different people to give him information.

Q. Wouldn't that be rather a loose way of getting information though? A. Well, what I mean by that is, now when I was game

and fish protector, I had somebody in every town, who could give me more information in fifteen minutes than I could find out by staying in a town three weeks.

Q. Don't you think it is better, though, for the forester to go and see for himself, rather than rely upon some one else? A. That is what I said—I said I didn't think it would be necessary for him to continually go over State lands, but he should go over the same property occasionally; I think that he could look over as much State land as there is in one county.

Q. Isn't there more State lands in some counties than there are in others? A. Yes, sir; there is; but where the State lands are in large bodies, it is easier to look after than where it is in small bodies; now, for instance, this county, while it has got a good deal of State land, it is in detached parcels, so it would require more work to look after the State land in this county than in some counties where it was most all State lands; and you are talking about the survey of the State lands; now a good many jobbers cut across on State lands accidentally, because the lines are not plain enough so that you can tell.

By Chairman WILDS:

Q. Have you ever had knowledge or information of a trespass by Hugh Lindsey? A. Where was it committed? no; I could answer without asking that question; no; I never had any knowledge of it.

Q. Have you had knowledge or information of a trespass on the contiguous lots known as 2 and 3 of township 26; and 32, 41, 42, 52, 53, 62, 63 and 64 of township 27? A. No, sir.

Q. Have you ever known of at least a thousand acres there of State lands being cut over and the timber removed therefrom? A. No, sir; no knowledge of it; I want to say that during the time that I have been in office, I have not been in collusion with anybody that is taking timber from State lands.

WILLIAM H. BAKER, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your name, age, residence and business? A. I am a merchant and lumberman and other things combined; I would be called a merchant, I suppose; I have a sawmill; my general business is the mercantile business and general jobbing business, all kinds of goods; my age is 53; my business, I should suppose they would call me a merchant.

Q. And your residence? A. North Creek.

Q. Do you remember having had a transaction with Thomas Powers in reference to timber? A. Yes, sir.

Q. Will you state the time and circumstances and particulars of that transaction? A. I could not; my books will show it all.

Q. Well, will you produce your books? A. Yes, sir.

Q. And testify therefrom? A. Yes, sir.

Q. After refreshing your recollection thereby? A. Yes, sir; I have a great many things, so many things that I couldn't give you the exact points of it; I could say that it was about two years ago; but as to what the amount was or what it was, I could not.

Q. Well, I ask you to produce your books now for that purpose? A. I will send down to the store for them; it will take some time to look them up; we do a mercantile business here of \$150,000 a year, but we can show you every transaction we have had with Thomas Powers or anybody else.

By Mr. ELDRIDGE:

Q. Would it be necessary to have your books to relate what that transaction was? A. I can say that I bought some dead cedar timber of Mr. Powers, and I think the price was 30 cents a market; now I couldn't tell you anything about what the amount was; I don't remember; they are laying over here in the pond now.

By Chairman WILDS:

Q. And where was the timber to be taken from? A. Back of Casey's; I don't know the number of the lot.

Q. Was it township 16, lot 20? A. I couldn't remember, sir.

Q. Have you any books or papers from the entries upon which you can testify? A. No, sir; I know nothing about it; I was shown the timber, and I sent a man to look at a cedar swamp, to look at some dead cedar that was there, and he went over and looked at it and I made a price with him to get it out and a price for Mr. Powers, to pay a certain price per market.

Q. Did you go upon the land yourself? A. I did; yes, sir.

Q. In whose company? A. Well, I think I — I can not remember — I think I went on the lot once with a man by the name of Byron Miller to take the job of cutting and getting out this timber on to the main road, but I couldn't swear to that positively; he was the man that cut the timber and got it out for me by the market.

Q. He was the man that did the cutting? A. Yes, sir.

Q. For you? A. Yes, sir.

Q. Did you go upon the land before making any agreement with Mr. Powers? A. I think not, sir.

Q. How was the land identified to you? A. Only as a certain cedar swamp over back of Casey's.

Q. And where is Casey's? A. About nine miles from here on the Blue Mountain road.

Q. Well, on what lot? A. I couldn't tell you sir; I don't know one lot from another here; I never pay no attention to it; that is a part of the business that I don't know anything about; I couldn't start and go through here and tell you the number of the lots from here to Blue Mountain; I don't know the number of any lots; I couldn't tell you the number of one lot even.

Q. Did you understand the timber stood upon State land? A. I did, sir.

Q. Did you go upon the lot before any cutting of the timber? A. Yes, sir.

Q. And what did you find there? A. I found large dead cedar trees; principally were dead trees that had fell over; some of the logs are rotting over here to the mill now; they are not worth sawing up.

Q. Did you find there living, healthy cedar trees? A. No sir; not of any account.

Q. Were you upon the lot where the cutting of timber was done, while the job was going on? A. No, sir.

Q. At any time? A. I think not.

Q. How long after your visit to the lot was the cutting of timber there commenced? A. Well, I can only guess at that; I should think it was somewhere from two to four weeks, I should think; it might possibly have been the next day, I can not tell; I have so many branches of business that I don't keep any particular one of them very solid in my mind.

Q. You say that Byron Miller did the cutting of this timber for you? A. Yes, sir; by contract, by the market.

Q. How was the land identified to him where the cutting was to be done under any contract you claim to have had with Thomas Powers? A. Only as it was pointed out as a cedar swamp on the road running from Casey's to the river.

Q. Did you know who owned that land? A. No, sir, only as Mr. Powers told me that he thought that was on the State lot; and some people thought it was on Sherman's; that is all that I know about it.

By Mr. NILES:

Q. Was any one associated with Byron in cutting that timber?

A. I don't know what help he hired.

Q. Do you know whom he hired? A. I do not.

Q. Wasn't Josiah Waldron with him? A. I presume he was; I don't know; I don't know anything about that.

By Chairman WILDS:

Q. Did you ever employ Josiah Waldron in reference to the cutting of that timber? A. I couldn't tell you.

Q. How, when and under what circumstances can you get the information then, as to who did the work on that job? A. I let it to Byron Miller; he might have sent out word to me to hire three or four men, but I don't know anything about it now.

Q. Do your books show who you employed on that job? A. Only Byron Miller, I think.

Q. I think you better send for your books? A. I can have it looked up; it may take an hour or an hour and a half.

Q. I want the books here. A. That is all right; I will have the bookkeeper get them.

Examination of Mr. Baker suspended.

PATRICK MOYNEHAN, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your name, age, residence and business? A. My name is Patrick Moynehan; Glens Falls, N. Y.; 46 years old.

Q. What is your business? A. That I couldn't answer; I *am* in so many kinds of business; I am a merchant, and I am interested in a store up here, own a store at North Creek, and also in the lumber business.

Q. How long have you been engaged in that business, in the lumber business? A. About ten or twelve years, I think, possibly longer; I guess I have been operating more or less for fifteen years.

Q. Well, in the course of your business do you cut and haul timber from lands? A. No, sir; I do not myself.

Q. What are the methods by which you pursue the lumbering business? A. I contract all my work principally, or let, as we call it — jobbing.

Q. And has that been your practice during all the last ten years, during which you have pursued the lumbering business? A. Yes, sir.

Q. What contractors have you employed, or jobbers? A. Well, that I couldn't tell you; I have got so many, I don't know as I could think them over; how far back do you want I should go?

Q. Well, for the present, during the last five years? A. I could name over what I could remember; I have had, and now have, John J. and Fred. Wakely; I think they live at Johnsburgh, N. Y.; and a gentleman named Martin Allen; I think he is from Schroon Lake; Dennis Moynahan, Jr., of Newcomb, N. Y.; Fred. Rogers, of North River, N. Y.; Seymour Davis, of North River, N. Y.; William Harvey, North River, N. Y.; "Will" Harvey we call it; I presume his name is William, but we always called it Will Harvey; Edward Berkley, of Tupper Lake, N. Y.; I let a large job, and they sublet; my brother has done most of my lumbering for me.

Q. Dennis Moynahan? A. Yes; in fact, he puts in all the logs that I get to put in in Newcomb and Long Lake; and I let to Berkley and he sublets; this Martin Allen, I let him a job out myself; James Gallagher, of Newcomb, N. Y.; I have a jobber, now, by the name of Douglas Morehouse; I think his name is Douglas; we call him "Dug;," he lives at Johnsburgh, N. Y.; that is all that I can call to mind; a portion of the ten or twelve years that I have been engaged in the lumbering business I worked for D. W. Sherman, of Glens Falls, N. Y., who is now deceased, and others; that is, it was a company composed of D. W. Sherman, H. G. Lapham, A. C. Hall and myself; Lapham is now dead; we were interested in several tracts of land together, and I drew a salary and managed the business, and, also, I done Mr. Sherman's private — he owned some private lands up here that I lumbered for him, and we apportioned the salary for operating on different tracts.

Q. Well, with the exception of your employment in that connection, H. G. Lapham and others, how long have you been engaged in the lumbering business on your own account? A. Well, just as I told you there, that I have been all these years, ten or twelve years.

Q. Well, did you have any other business during the seven years of your continuance in the service of H. G. Lapham and others, other than the service which you rendered to them? A. Oh, yes; I operated for myself individually and for A. C. Hall; A. C. Hall and myself also owned some timber up here together, outside of the company's concern.

Q. Can you think of the names of any other jobbers employed by you in any of your lumbering transactions? A. Well, I don't know as I have had any others; perhaps I might by thinking back; if I was at Glens Falls, I might be able to find something; you see I let large

contracts to those different individuals and they sublet and then I don't have so much to look after.

Q. Have you ever employed Joel Brooks? A. No, sir.

Q. Or T. D. Depan? A. No, sir; T. D. Depan, he operated on some lands up there that A. C. Hall and myself were interested in; I got the logs of A. C. Hall when he was agent for the Adirondack Timber and Mineral Company; it is lands that formerly belonged to W. W. Durant.

Q. Have you ever employed George Miner? A. George Miner; no, sir; oh, yes, I did; I bought some logs of the State and I employed George Miner.

Q. Or Charles Bissell? A. Charles Bissell let a contract or two for me on some railroad lots in the town of Newcomb.

Q. And was your relation with George Miner had through Charles Bissell? A. I don't think so; no, sir.

Q. He was under your independent and personal employ then? A. Well, I couldn't say as to that even without I could refer — perhaps after I went to Newcomb I could tell you.

Q. Have you ever employed Philander Baldwin? A. No, sir; I don't know; I know of a gentleman in Glens Falls by the name of Baldwin, but I never had any dealings with him, except that he wanted to sell me some land and I didn't purchase it.

Q. Have you ever employed George Cooper? A. No, sir.

Q. Or Hosea G. Locke? A. I think I let a contract to Locke some seven or eight years ago for Sherman on 17th township, Totten & Crossfield patent; I think we lumbered on there two years.

Q. Recently have you employed him? A. No, sir; I have not.

Q. Or had any business relations with him? A. Well, I have been there and stopped to his place, and I guess I paid him —; I bought a boat of him, and we made an arrangement to build a storehouse on his land.

Q. Has he cut or hauled timber for you? A. That I couldn't say; he hasn't for me; I haven't employed him for anything; I don't think that I have had any dealings —; I don't think I have let him any contracts since I let him those contracts on 17th township; I think he had a contract with, I think, Depan; I don't know though; I don't just remember how that contract was; I think he had a contract on the Gospel and School lands in township 32; but I didn't let him the contract.

Q. Will it be necessary for you to refresh your memory from your books, papers or memoranda of any kind, in order that you may properly testify to the transactions which you have had? A. I don't

think I could; I think all the dealings that I had with them, I think I paid.

Q. I am speaking generally? A. Well, I might, perhaps, find something that I have forgotten; but I haven't had any dealings with George Cooper, or any of those that you have reference to, and I haven't let Hosea Locke any job; I might have paid him money for others.

Q. The subpoena which has been served upon you requires you to produce, before this committee, all books, papers or other memoranda containing any entries or record of your transactions or communications in regard to the purchase or sale or cutting or hauling of timber or logs? A. Well, I will produce what I have got; I am very sorry to say that I haven't got more; I lost several thousand dollars because I had lost my papers in regard to the settlement with Sherman.

By Mr. WAGSTAFF:

Q. Are you interested in any contracts or in any other lands with any other parties than those you have mentioned? A. Well, what do you mean by "contracts?"

Q. Contracts for the purchase of timber? A. Why, yes; I have got several parties that is interested; for instance, I bought some land of the State; is that what you have reference to?

Q. Yes. A. I have bought some lands of the State, and I have got some partners that is interested in that for me.

Q. What land did you buy from the State? A. Land in township 14, Totten & Crossfield purchase.

Q. When was this? A. I think it was in 1892 or 1893.

Q. And who are the parties interested with you in that contract? A. Albert Thomas of Warrensburgh, Lew. Thompson of Warrensburgh, N. Y., Hon. Lew. Emerson of Warrensburgh.

Q. What lots? A. One to 12; in fact I changed; I bought some other lots, and then I made an exchange; I now own lots 18, 19, 26 and 27 in addition.

By Chairman WILDS:

Q. Of what township and what survey? A. Fourteen; Leggett's survey; also there is a lady in Albany who is interested in the first 12 lots.

Q. In the southwest quarter of township 14? A. Yes; I bought some others in there, and I exchanged three lots for some others; so I own 1 to 12 and 18, 19, 26 and 27; also some lots in Warrensburgh,

known as the Warrensburgh tract; I had some other jobs last year that I have forgotten; I had a contract with the constable's brother here, William Waddell.

Q. Do you know of timber having been cut or taken from township 11, lots 15, 16, 17, 32 and 34, the same being State lands? A. No, sir; I do not; I paid for some logs that were cut off from State lots, but I don't know what lots they were taken off from.

Q. When and to whom? A. To the Forest Commission; I think I made the check payable to the Treasurer of the State of New York.

Q. How much? A. I couldn't say.

Q. When? A. You will find that by their books.

Q. When? A. I couldn't say that either; I think it was in the spring of 1894 or in the summer of 1894.

Q. Was that the only payment you ever made to them? A. No, sir; I think I paid them twice; I paid them for logs cut off township 37, Essex county.

Q. What lots? A. I paid them for lot 7, Richard's survey; I claimed the lot; I sold out to them; I compromised; gave them \$100 and compromised and gave them my title; I claimed a better title than they did, and we compromised.

Q. That is, you transferred to the State? A. Yes, sir; and I signed a receipt.

Q. And what was the title which you claimed to hold to lot 7 of township 27? A. Well, that I don't know as I could tell you; I have several titles, and I don't know as I could tell you; we have quit-claim deeds and we have tax titles.

By Mr. TEN Eyck:

Q. What township is that? A. Township 27, town of Newcomb; and I claimed a better title than they did, because the lot had been occupied for 30 odd years, and I made an arrangement with this gentleman that lives on it.

By Chairman WILDS:

How much timber did you cut or cause to be cut and taken from that lot? A. I don't know, sir; there is a trespass on there, and I bought the logs by the stumpage.

Q. Can you not testify as to the quantity of timber? A. No, sir; I can not; when I get through in the spring, from the 1st to the 15th of May, or from that to June, I have a general settlement.

Q. Was George Miner your jobber in that matter? A. He lumbered down there; I don't know whether he was mine or not.

Q. Was Charles Bissell in your employ in that matter? A. No, sir; I don't think he was.

By Mr. WAGSTAFF:

Q. If George Miner didn't operate for you, who did he operate for? A. He might have operated for me; I couldn't say.

Recess until 7:30.

EVENING SESSION, 7:30 P. M.

The examination of Patrick Moynehan suspended, to be continued at Prospect House, Blue Mountain lake, August 27th, at 10 o'clock a. m., said Moynehan hereby agreeing to appear before the committee at said time and place without further notice.

NUEL SCRIPTER, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your name, age, residence and business? A. Nuel Scripter; 57 years; North Creek; farmer.

Q. How long have you lived here in North Creek? A. Oh, for the last twenty years, off and on.

Q. Are you pretty well acquainted throughout this country? A. Yes, sir.

Q. Around about here? A. Yes, sir.

Q. Have you ever been engaged in lumbering? A. Yes, sir.

Q. On your own account, or for others? A. For others.

Q. By whom have you been employed? A. Well, sir, I was employed by Colonel Amos Vanduzen about fifteen years.

Q. Was that in recent years? A. Well, it has been about ten years since I have been in his employ.

Q. During recent years have you been engaged in the lumber business? A. I think a few years ago I measured logs up north.

Q. You have quite an extensive acquaintance through this county? A. Yes.

Q. There are said to have been numerous and extensive trespasses upon State lands, whereby the timber has been cut and taken therefrom, and we are told that you can inform us of the methods by which that has been accomplished? A. Well, sir, I couldn't tell you anything positive what their methods is.

Q. But we would like to be informed as to how it has been accomplished, as you understand it? A. Well, as I understand it, in recent

times it has been through the Forest Commission; that is all I know about it.

Q. How is that? A. Through the Forest Commission having given them the right.

Q. Have you understood that the Forest Commissioners have permitted the cutting of timber upon State lands? A. Well, I understand that they have a legitimate right to do it, and they proceed under that head; that is all I know about it.

Q. Do you understand that the Forest Commissioners have given any authority to any one to cut timber upon State lands? A. Not positively as I know of.

Q. Have you been so informed? A. I have heard such talk; I never had no conversation with any Forest Commissioner about it.

Q. Do you remember by whom you have been so informed? A. Well, I never had any particular talk with any of the Forest Commissioners whatever.

Q. No, I am inquiring as to— A. About the men that said these things?

Q. Yes. A. Well, all I am knowing anything about positive is in these lands up here that I put a bid on, and I have sworn to that affidavit, and I supposed that one man had as good a chance as another.

Q. Do you understand that there are extensive thefts of timber from State lands? A. Yes, I have heard such talk.

Q. Do you know by whom? A. I am not positive; I don't remember any particular names; it is the general talk as we would sit down in the barroom anywhere and hear general conversation; I don't remember any persons.

Q. Do you recall the names of any persons mentioned to you as these who have taken timber from State lands? A. Nothing positive to my memory now, sir.

Q. Have you ever heard the name of John J. Wakely mentioned? A. Not in taking any timber.

Q. Or Pat Monyehan? A. Well, I have heard it said that they understood he was taking it, had proper authority to take it, bought it legally.

Q. From State lands? State lands.

Q. Do you know where timber has been taken from State lands? A. Well, I couldn't swear positively, but I supposed it belonged to the State in the 11th township, but I couldn't swear positively it was on the State lands.

Q. Can you tell me from what lots the same has been taken? A. No, sir; I cannot.

Q. Who told you of that trespass and by whom was the trespass made? A. I understand Mr. Moynihan lumbered over there, but he bought the timber on one lot—I forget the number of the lot; he bought it of some parties.

Q. Do you understand that every one who has taken timber from State lands has done so by authority of the Forest Commission or any State official?

A. I understand—I supposed they had a legal right; that was what they claimed.

Q. Well, cannot you identify any lot from which timber has been taken from State land; you have told us you were well acquainted through this country; you know not only the land, but the people upon it? A. Well, there is so much dispute about these lands that some claims the State owns and some they do not, and I am not a positive judge whether the State owns or whether the individual owns it.

Q. You know what the common talk is of persons taking timber from State lands? A. Yes.

Q. Without authority? A. I don't know as I know "without authority;" they claim to have authority.

Q. From whom? A. I suppose from the Forest Commission.

Q. Have you understood that that is the fact with reference to every case of timber stealing of which you have been informed? A. No; the State sold quite a good deal of timber a year ago, didn't they?

Q. Will you answer the question? (Stenographer reads question.) A. That is the case with reference to every case of stealing timber, you mean?

Q. You have stated that you understood that the State Forest Commission have given authority to take timber from State lands; do you understand that that authority or permission has been given in every case of the taking of timber from State lands of which you have information? A. In cases that I know of?

Q. Or of which you have any information? A. Any positive information, yes; hearsay does not amount to anything, as I understand it.

Q. Will you give us the names of any persons who have assumed to have authority from the Forest Commission for the taking of timber from State lands? A. William Baker, I think, for one.

Q. William H. Baker; any one else? A. No, sir; not positive that I know or recollect of.

Q. Where did he take timber from? A. He bought some cedar up here and paid for it.

Q. Where did he take it from? A. Took it off from the 16th township; I can not tell you the number of the lot.

Q. Have you ever heard that it was lot 20? A. No, sir; yes, I have to; yes, sir.

Q. Do you know how much he took? A. No, sir, I don't; I don't know anything about the transaction, how much he bought, or anything about it.

Q. Do you know from whom he professed to have bought that timber? A. I think he bought it of Tom Powers, I don't know positively; he asked me if I knew anything about the timber; I said it was very nice timber.

Q. Had you been on the lot before it was taken off? A. Yes.

Q. What was the character of the timber that you found upon that lot? A. Very fair cedar for this country.

Q. Will you describe it as fully as you can? A. Well, it was not all of it green or good, living cedar; some of it was dead; whether he purchased what was down and dead, that I couldn't answer; it was good cedar for this country.

Q. Well, there weren't five sticks of dead timber to every 100 living trees, were there? A. Yes, sir; there was more than that.

Q. Well, will you describe the lot as fully as you can and tell us what the condition of the timber there was? A. It was a regular cedar swamp; all one solid body of cedar; there wasn't any other timber amongst it, as you find all over this section.

Q. Did you ever count the cedar trees there? A. No, sir; I did not.

Q. Did you ever count the number of living trees there? A. No, sir.

Q. Or dead trees there? A. No, sir.

Q. When were you last upon that lot? A. I should think eight or nine years ago; the way I come to be on that lot, I was looking for poles, for telegraph poles, and looked all through that swamp and didn't find any that suited me and went off somewhere else and looked for them; I was looking the whole country over.

Q. How long ago was that? A. Well, I should think eight or nine years, I am not positive.

Q. Do you think it was over five years ago? A. Yes, sir.

Q. Did you find nothing but cedar trees upon that lot? A. Oh, there is other timber grows there on that lot.

Q. Who located the lot for you? A. I was looking through the woods and found it myself.

Q. How did you know that you were upon lot 20 of township 16? A. I heard a person say so.

Q. Do you remember who told you? A. Some resident that lived there; I don't remember who it was.

By Mr. NILES:

Q. Did you find the lines? A. No, sir; I did not.

By Chairman WILDS:

Q. Did you attempt to find the lines? A. No, sir.

Q. May you not have been upon lot 21 or 22 of township 16? A. I might have been, but I didn't cut any timber over there.

Q. I am not supposing that you have cut any timber whatsoever; I only wish to know exactly what you found there? A. No, I couldn't tell you, because these lines are not all distinctly marked; it is very hard for any man to go through these woods and designate every line.

Q. How far is that lot from this place? A. About 10 miles.

Q. Good road all the way there? A. Pretty much.

Q. Is there a road upon the lot itself? A. No, sir; that is, there is nothing only a lumber road that they use winters, where they drew out logs there years ago.

Q. Are you certain that you have not been upon that lot during the last five years? A. Yes, I have been on that lot within the last five years, I think; let me see, yes.

Q. When was the last time you were there? A. About four years ago I crossed that lot.

Q. What was the character of the timber then? A. It stood the same as it did when I was there before; it had not been touched or molested as far as that swamp was concerned; I passed through it; there was a road going right through there to the river, and I was going to the river, and I went through it.

Q. What other case of taking of timber from State lands have you had knowledge or information of? A. Not any that I have any positive knowledge of.

Q. Or that you have had information of? A. There is none that I have had any information of particularly, that I know of; there has been no timber taken around this country, I don't think, unless it is on the 11th township, and I don't know as there has any been taken there; I have no positive knowledge of its being taken.

By Mr. WAGSTAFF:

Q. Did you see those cedar logs after they were cut and drawn here to the mill? A. I saw cedar logs that came here to the mill; but

whether they came from that lot, I am not positive; I presume likely they did.

Q. Those logs you saw there, were they green logs or dry logs?

A. I should think there was some green and some dry.

By Chairman WILDS:

Q. Mostly green? A. Well, I wouldn't be surprised if there was as many green ones as there was dry ones; I wouldn't be positive; the shingles show for themselves, or the man that cut them up would be better information than I am.

Q. Who was that? A. Mr. Baker or some of his sawyers; I guess Mr. Baker does not deny cutting the timber.

Q. Do you know how much timber he got? A. No, sir; I do not.

Q. How much did you see hauled from there? A. I couldn't answer that question, for I don't know; I have no way of knowing.

Q. How much did you see that was hauled from that lot? A. If I was to swear positive, I couldn't swear that any of the logs come from that lot, for I never asked any one; it is only supposition that they came from there.

Q. Is there any other cedar lot in that neighborhood? A. Yes, sir; in that vicinity, in that country.

Q. Where is there any more cedar? A. There is cedar on the 16th township.

Q. All through there; and that is all State land, isn't it? A. Well, I am not positive as to that; I think parties claim to own some of it; there is quite a number of lots that does not belong to the State.

By Mr. WAGSTAFF:

Q. One question about that cedar lot that you went upon about four years ago; you noticed there whether the timber was live timber and what timber was dead timber didn't you? A. Well, the condition of that timber then, it was commencing to die; the tops had died down probably 10 or 15 feet; it was dying from the top downwards.

Q. That was the case with all the trees? A. Well, all the large trees; the smaller timber was all green; all the forests die after a certain length of time.

Q. About what size was the small timber? A. Oh, probably from 10 to 15 inches through at the butt.

By Chairman WILDS:

Q. And the large timber? A. There is logs there that measure a market, 19 inches; some over, probably.

By Mr. WAGSTAFF :

Q. Was there much of the large timber there ? A. The large timber, when I was through there, was all standing.

Q. Was there much of it ? A. Quite a good deal.

Q. Was there more large timber than there was small timber ? A. Yes, sir.

By Mr. NILES :

Q. Have you done much lumbering within the last five years ? A. I have never done much myself ; I have measured logs ; that has been my principal business.

Q. Have you traveled much through the woods during the last five years ? A. Not a great deal ; no, sir.

Q. Have you been any on State lands ? A. I have crossed them some.

Q. Have you seen any evidence of timbering on the State lands, except this cedar lot ? A. No ; I have not.

By Chairman WILDS :

Q. Do you know where the State lands are located ? A. Well, there is a good deal of State land in the 11th township, a good deal in the 13th township ; if I had a map I could tell.

Q. Are you sufficiently familiar with this country to know where the State land is ? A. Not every lot.

Q. Not every lot ; but you know, you are generally familiar with the location of the State lands, are you not ? A. Yes, sir ; a good many of them ; that is, around here, in these townships.

Q. Have you never seen evidences of the taking of timber from State lands ? A. Not within the last five or six years ; no, sir.

By Mr. NILES :

Q. Haven't you seen any of the State lands that have been cut over recently ? A. I have not ; I haven't passed through any.

Q. Well, now, have you seen the lands that you have passed over, belonging to the State, have they all been heavily wooded with marketable timber ? A. A good many of them have ; they have been cut years ago and grown up again.

Q. Are there any State lands in the vicinity that has any good timber on ? A. Yes ; there is some on the Sacondaga river, I guess.

Q. Much of it ? A. Yes ; they are scattered ; there is a good deal of it on the 13th township ; I suppose there is no dispute about that ; it is all mapped out.

Q. Isn't there a good deal of talk here in the vicinity about the taking of timber from State lands? A. There has been such talk; yes.

Q. There has been quite a good deal of it, hasn't there? A. There has been quite a good deal of talk about it.

Q. How do you account, personally, if there is so much talk about stealing from State lands, when you say you have discovered very little evidence of taking timber? A. Well, sometimes people are talking about what is none of their business, and making assertions and looking into things; I don't think there has been as much timber taken as has been reported taken.

Q. Well, how do you explain there being so much talk about this taking of timber from State lands when, in your opinion, there is so little taken? A. Wasn't there a general sale of timber a few years ago, sold by the Forest Commission, and hadn't they a legal right to sell it?

Q. That was dead timber? A. Well, I guess if they took the dead, probably they took some of the green.

By Mr. TEN EYCK:

Q. Do you know that they took the green? A. No, sir; I do not

By Mr. NILES:

Q. Have you had any talk with Mr. Powers about the taking of timber from State lands? A. The only talk that I ever had with Mr. Powers is with regard to these lots here in the 14th township that was sold, and they were outside of the forest preserve; I suppose the Forest Commission had a legal right to sell them outside of this preserve, hadn't they?

Q. Were you bidding for them? A. He wanted me to go and look them over and make an estimation for the State.

Q. Did you make it? A. No, sir; I did not make it.

Q. Did you ever have any talk with him about purchasing any timber from State lands? A. No, sir.

Q. Did you ever purchase any? A. There was a talk that they were going to sell some State land, and I told him I would like to buy some if they did sell any; and he said if they sold them he would give me a chance to buy.

Q. Did you ever purchase any of the State lands or any of the timber on State lands through Mr. Powers? A. No, sir.

By Chairman WILDS:

Q. Or through any one? A. No, sir.

By Mr. NILES:

Q. Well, what is your own belief as to the taking of timber from State lands; do you think it is done to any large extent? A. No, not without a shadow of title; I don't doubt possibly sometimes a man buys a lot; he may reach over; I am not positive of it.

Q. You don't know of any such instances? A. No, sir.

Q. Do you know of any case where residents here make a pretense of owning land which really belongs to the State, and sell their alleged right to the timber upon it? A. I do not.

Adjourned for the night.

MORNING SESSION, 9:30 A. M.

ADIRONDACK HOTEL,
NORTH CREEK, N. Y., *August 21, 1895.* }

WILLIAM ELDRIDGE, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your name, age, residence and business? A. William Eldridge; 42; North River; I am a teamster at present.

Q. How long have you resided in North River? A. About twenty years.

Q. Do you remember during September of 1894 at any time having visited the cedar swamp on lot 20, township 16, Totten & Crossfield purchase? A. I do, sir.

Q. Will you state the circumstances thereof and what you found? A. Well, I went there with Mr. Lynch.

Q. What Lynch? A. Daniel Lynch; I was working for—

Q. You went there with Daniel Lynch—with whom else? A. This gentleman here.

Q. George L. Bouton? A. Yes, and Durfee.

Q. And D. C. Durfee? A. Those are the parties.

Q. Will you state the circumstances of your visit? A. My only knowledge of the number of the lot on which the cedar swamp is located, which I visited in their company, is derived from the statement of Daniel Lynch, a surveyor of this town.

Q. Now state the circumstances of your visit there and what you found? A. Well, I simply went there to show them the swamp, because I had been there before, myself; I had been through it several times years before; I was working at the hotel, and I was sent there by the man I was working for—carried them up there.

By Mr. NILES :

Q. Was anybody working on the lot ? A. There was nobody working there at that time ; the work was all completed.

By Chairman WILDS :

Q. Well, at any time during the year 1894 had you also visited that cedar swamp ? A. I had, sir.

Q. And what did you there find at that time ? A. I found men cutting and skidding.

Q. And who were doing that work ? A. Well, sir, it was a man by the name of Byron Miller and Josiah Waldron.

Q. And when was that ? A. Well, it was some time in the winter ; I couldn't just say.

Q. In January or February or March, 1894 ? A. I think it was in February ; I won't be sure.

Q. Eighteen hundred and ninety-four ? A. Yes, sir.

Q. You found this Byron Miller and Josiah Waldron cutting timber of what kind ? A. Cedar.

Q. Well, what kind of cedar ? A. Well, there is only one kind that I know of in this country.

Q. There is dead cedar and there is live cedar ? A. Yes ; there is dead and there is live ; there was nothing there but the stumps ; I don't know as I could tell, really, whether they were dead or alive.

Q. Did you not see the trees felled upon the ground ? A. I did not.

Q. Were they not there skidded ? A. They were skidded, yes.

Q. And did you not see them there, then ? A. They were drawing them out ; they were not skidded there ; they would cut them out and draw them out to the road and draw them on down here.

Q. Who did the drawing of those logs ? A. Oh, I couldn't say ; there were several ; I didn't see the drawing so much.

Q. Do you remember the names of any of those who did the drawing of those logs ? A. Miller drew some himself.

Q. Any one else ? A. Well, there was other people, but I don't remember who they were.

Q. Do you remember the two Roblees at work hauling that timber ? A. Two Roblees ?

Q. Yes. A. No, I do not.

Q. Do you remember Pat Dougherty ? A. No, sir ; I do not, sir.

Q. Or Robert Dougherty ? A. I know Robert Dougherty ; I didn't see him there that winter ; not that I know of.

Q. In an affidavit made by you on the 29th of September, 1894, you state that the trees they were cutting were alive ; by that statement do

you now stand? A. Well, there were some of them alive; I don't say they were all alive.

Q. Most of them? A. Most of them were alive.

Q. How many trees do you estimate to have been cut there by them? A. Well, there was an estimate taken that day; I think some 300; I am not exactly positive, but somewhere in the neighborhood of that.

Q. Do you know for whom the trees were cut? A. Only for what I heard say they were for Billy Baker.

Q. William H. Baker? A. Yes.

Q. Who told you that? A. Well, people that were there cutting them claimed they were cutting them for Baker.

Q. And they were drawn to his mill at North Creek? A. Yes.

Q. Did you assist in counting the stumps? A. I did, sir; part of them.

Q. What was the character of the stumps, large or small? A. Quite large.

Q. Many of them nearly three feet across? A. Yes, sir.

Q. And only a few small ones? A. Very few small ones.

Q. Well, what else can you add to your testimony here in reference to what you found there? A. Not anything, sir; there is nothing else to be found there.

Q. Do you know of that land from which those cedar trees were cut and taken being State land? A. I don't, sir; only as those parties claimed.

Q. Have you knowledge or information of the cutting or taking of timber from any other State land? A. No, sir.

By Mr. TEN EYCK:

Q. I understood you to say that these trees were cut and skidded when you were there, but that you didn't see any trees cut and felled? A. I didn't see any of them felled.

Q. They were all stripped of their branches when you saw them? A. They don't fell them all to once; the way they lumber it there, they drew off as fast as they felled them; there were no logs skidded there when I was there.

Q. But the trees that you saw, were they all down on the ground and stripped of their branches? A. Well, those that I saw were at that time.

Q. Do you mean to say that you saw them cutting down a tree, chopping it down while you were there? A. I mean to say that they were there, yes, sir; cutting and drawing out logs.

Q. Did you see any tree fall while you were there? A. I did not, sir.

Q. Did you see them cutting any tree? A. I did not.

Q. Did you see any tree lying on the ground with all its branches on while you were there? A. I don't remember whether I did or not; I presume likely I did, but I don't remember exactly.

Q. Did you see any dead limbs around there? A. Several of them.

Q. Quite a number; is that it? A. You can find them in any cedar swamp.

Q. Where does a cedar tree die when it commences to die? A. I don't know; I guess it commences at the top, the limbs; I am not very well posted on that.

Q. You have seen a number of cedar trees? A. Yes.

Q. And how do they grow up, like a cornucopia at the top, and then spread out as they get at the bottom, that is, the limbs at the bottom grow longer than those at the top? A. A good deal so.

Q. So that the tree has something the appearance of a pyramid or cornucopia; well, can you tell by the stump whether it is a dead tree or a live tree, that is, whether it has partially died or whether it is wholly alive? A. No, I don't think I could if it was partially dead, not by the stump.

Q. A tree that is partially dead, what would the stump look like, like a green tree? A. Yes, I think it would.

Q. Then do you mean to say that any of the trees that you saw there were entirely alive? A. Well, yes, I do, for some of them were entirely alive.

Q. What makes you think that? A. Well, because they looked it.

Q. How did they look it, describe them? A. Well, anything that is green is supposed to be alive, isn't it?

Q. What? A. If it looks green it is supposed to be alive.

Q. Where does it look green? A. Anywhere you were a mind to look at it.

Q. At the top and the bottom both? A. Yes.

Q. Then you saw live trees lying on the ground full length, is that it? A. Yes.

Q. How many? A. Oh, not but a very few; I don't know as I did more than one at a time.

By Chairman WILDS:

Q. The reason was that they were hauled off from the ground as fast as they were cut? A. Certainly.

By Mr. TEN EYCK :

Q. Had you ever been in this swamp before? A. Yes.

Q. How long before? A. Oh, it is nine years; I have been through it several times in that year.

Q. Were you in it after that? A. After this time?

Q. No, no; after the nine years ago that you spoke about? A. Not until this time you are speaking of.

Q. Had the cutting mostly been completed when you were there? A. Yes, sir.

Q. Do you know whether they did any cutting after you were there?

A. I don't know whether they did or not; I wasn't there.

Q. The whole swamp had been cleared out when you were there?

A. Oh, no; there were some left there yet when I was there.

Q. What kind of trees were left there when you were there? A. Well, they were cedar.

Q. Were they dead or alive? A. I guess they were alive, some of them; some live and some dead.

By Mr. NILES :

Q. Have you seen the lot since the cedar was removed? A. No, sir.

Q. Have not been back there? A. Not since this time I was there with those gentlemen.

Q. Where did you learn that those cedar were being drawn to Mr. Baker's mill? A. Well, I could see that myself.

By Mr. TEN EYCK :

Q. Were any large trees standing while you were there? A. Yes, I think there was surrounding this place.

Q. Were they dead or alive? A. Well, some of them alive and some dead.

By Chairman WILDS :

Q. Where the cutting was done, was there a clean cut of all the trees? A. I think there was; yes, sir.

Q. Large and small? A. Yes.

Q. Do you know how many acres were cut over? A. I do not.

Q. How many would you estimate? A. Well, sir, I don't know; perhaps not over two; may be not that; the timber is very thick there.

By Mr. TEN EYCK:

Q. What were the trees that you saw that you claim were alive, were they large trees or small trees? A. Well, they were large, I think, must of them.

Q. Three feet across at the base? A. Some of them, yes.

Q. And those trees had not been cut up in logs when you were there? A. They had not.

Q. When had they? A. I don't know; they were gone.

Q. I mean the trees that you saw? A. I don't know how large they were, sir; I didn't take noitce to see.

Q. You have testified that you saw some trees lying there on the ground? A. I did.

Q. Now were those trees large or small? A. Those trees that I saw lying on the ground, as I told you, was not only one or two at a time.

Q. Well, at those times you saw them lying there? A. I can not tell you whether they were large or small; the stumps is what tells whether they were large or small.

Q. Do you know whether they were large trees or small trees that you saw lying on the ground? A. I told you all I knew about it.

Q. You saw those trees? A. I told you that I didn't see more than one at a time lying on the ground; they were cut and drawn away.

Q. You saw some lying on the ground right after they were cut? A. I might have seen a large one and there might have been a small one.

Q. You don't remember whether they were large or small trees that you saw there at any time lying on the ground; is that it. A. That is it, if you want it that way.

Q. But you know it was alive? A. Well, it went away; it must have been alive.

Q. What? A. It went away; it got away; it must have been alive; it crawled off.

Q. Is that what you mean by a live tree, because it moved? A. I thought they were alive.

Q. Those that moved? A. Yes.

Q. And is that the only reason you thought they were alive? A. No, sir, that is not the only reason.

Q. Well, what was the other reason that you had? A. Well, they looked to be alive; the branches were green on them.

Q. What part of the tree did you see, the top or the butt? A. Oh, I saw the top and butt too.

Q. What did the top look like? A. It looked like a log.

Q. What? A. It looked like a cedar log.

Q. The top did? A. Yes.

Q. It was stripped of its branches? A. Yes.

Q. And that was the case with all the trees that you saw on the ground, was it? A. The majority of them; yes.

Q. Well, did you see any lying on the ground with all of its branches? A. Yes, I did; I saw one or two lying on the ground with its branches.

Q. All of its branches? A. Yes, sir, only what broke off when it fell.

Q. Was that a large or small tree? A. Well, I think it was quite large, a good sized tree; but I am telling you that I did not see more than one at a time on the ground, because they were taken away.

By Chairman WILDS:

Q. As fast as they were cut and felled? A. Yes, sir? taken right away.

Q. Have you any idea why they were hauled off so quickly? A. Oh, that is the way they were lumbering them; they were drawing them right through; it was not done for anything.

Q; Was it with a view of making sure of possession of the logs that they cut on State lands? A. Oh, no, I don't think it was for any such purpose; that is a way they had of doing their work; there were teams there drawing them away because they didn't have room, you know, to skid them there.

By Mr. TEN EYCK:

Q. Do you know a dead tree from a live one? A. Hardly.

By Chairman WILDS:

Q. You didn't mean that answer seriously? A. No, sir, I did not; I can tell a dead tree from a live one; I have seen enough of them and drew enough logs for that.

By Mr. TEN EYCK:

Q. Can you tell a tree that is partly dead, that is, a tree that has died at the top and alive at the bottom, when it is cut up into logs; can you tell from the stump log, whether it was dead or alive? A. Yes, sir, I can tell a dead log from a live one after it is cut.

Q. Even though it is only partly dead, if it has only just died at the top? A. It might just have died at the moment; trees don't die like that; you can tell by looking through the woods whether a tree is dead or whether it is alive.

JOSIAH WALDRON, being duly sworn, testified as follows :

Examined by Chairman WILDS :

Q. What is your name, age, residence and business? A. My name is Josiah Waldron; I am 29 years old last December, the 3d day of December; I work in the woods mostly; I live here at the Creek, North Creek.

Q. How long have you lived here? A. I have lived here eleven years.

Q. Do you remember taking a job to work on the cedar swamp on lot 20 of township 16. Totten & Crossfield purchase, in 1894? A. Yes, sir.

Q. For whom were you working there? A. W. H. Baker.

Q. And he paid you for your services? A. Yes, sir.

Q. When were you so employed by him, that is, during what time? A. I don't just remember; I think it was the 1st of January that I went to work there; I believe it was the last of December or the 1st of January.

Q. You don't mean of 1895, do you? A. No, sir.

Q. Of 1894? A. Yes, sir.

Q. After the 1st of January, 1894? A. Yes, sir.

Q. And how long were you employed there by Mr. Baker? A. About two months, I believe.

Q. And what did you do there? A. I chopped the logs.

Q. Cut down the timber? A. Yes, sir.

Q. Did you make a clean sweep of everything, large and small? A. Oh, we didn't cut the small timber; there was no small timber cut.

Q. What was the smallest timber that you remember having cut there? A. I think about fourteen or fifteen inches on the stump.

Q. And what was the largest timber that you remember to have cut there? A. Twenty-five inch log, I believe was the largest.

Q. That means 25 inches in diameter? A. Yes, sir.

Q. At the stump? A. No; the stump I didn't measure.

Q. Well, where? A. The log.

Q. The log when cleaned? A. Yes.

By Mr. NILES :

Q. Is that at the cutting or some other place? A. No; the top end is what we measure.

By Chairman WILDS :

Q. The top end is the one you always measure? A. Yes; the stump I didn't measure; I couldn't say how large it was on the stump; of course it would be considerably larger on the stump.

Q. The top end of logs 13 feet long is where logs are measured ?
A. Yes.

Q. And the largest there found were 25 inches ? A. Yes.

Q. Is that statement made from actual recollection of the fact ? A.
Yes, sir.

Q. Don't you remember any timber there cut at least three feet in
diameter ? A. I do not.

Q. Was any timber there cut at least three feet in diameter on the
stump ? A. There might have been, yes.

Q. And a great deal of it ? A. Well, there were quite a few trees
that might have been three feet on the stump.

Q. That means a good many, doesn't it—"quite a few?" A. Well,
there wasn't terrible many ; I don't think there were over fifteen or
eighteen trees that would measure that much on the stump.

Q. But they were nearly all large, well-grown trees ? A. Yes.

Q. In good, healthy condition ? A. No, sir.

Q. They were growing trees, the majority ? A. Well, I should call
them dying ; the tops of most of them were dead.

Q. The majority of the trees were healthy, growing trees were they
not ? A. No, sir.

Q. Do you state from any actual count that you made then, or from
a sort of impression that you have ? A. Why, the tops of most of the
timber was dead.

Q. How do you know that ? A. Why, because I could see it when
I cut them.

Q. How many trees did you cut there, or were there cut, rather ?
A. Well, sir, I couldn't say ; I kept no account of them.

Q. Did you take the job for cutting the whole lot ? A. I took the
job of chopping them at first.

Q. Were you in partnership with Byron Miller ? A. I was not ; I
took the logs to chop from Byron Miller by the hundred.

Q. By the hundred ? A. Yes.

Q. What was done with the timber ? A. It was drawn to Mr.
Baker's mill.

Q. And was it hauled off as fast as the trees were felled ?
A. Yes.

By Mr. NILES :

Q. Didn't you know the lot on which you were cutting was State
land ? A. Yes, sir.

Q. Did you understand what right you had to cut on the land ?
A. No, sir.

Q. There wasn't any explanation made to you at the time you were directed to go there to cut those cedar logs? A. No, sir; only that he hired me to go there and work for him.

Q. Don't you understand there is any penalty attached to cutting timber from State lands? A. I do, unless they buy it, unless it is bought.

Q. Didn't you think it was necessary to ascertain what the facts were before you went on there and cut that timber? No, sir.

Q. Would you go on and cut timber on State lands anywhere on receiving directions to do so or getting a job for cutting the timber?

A. I wouldn't without some one hired me to cut it.

Q. If some one hired you, would you go on any State land and cut the timber? A. I wouldn't if I thought they didn't have a right to.

By Chairman WILDS:

Q. Have you ever cut timber from any other State lands? A. No, sir.

Q. Or hauled timber from any other State lands? A. No, sir.

By Mr. TEN EYCK:

Q. And the only way you were working there, you were working for what is his name? A. Yes.

Q. Well, who is the man you were working for? A. I was working for Mr. Baker.

Q. I thought you were employed by some other man to go there and cut by the hundred? A. Byron Miller took the job of Mr. Baker first, and afterwards he paid us by the day and by the month; paid me by the month and paid him by the day.

Q. Then you were working for Byron Miller? A. I was working for Byron Miller at first, and very few days afterwards he paid me by the month.

Q. Who? A. Mr. Baker.

NATHAN DAVIS, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. Will you state your name, age, residence and business? A. My name is Nathan Davis; my age is 68; I live in Johnsburgh; I am a surveyor and lumberman and farmer; I own a little sawmill and I survey.

Q. How long have you been engaged in the business of surveyor? A. Well, I surveyed in these woods about forty years.

Q. Then you have lived in this part of the country— A. Forty-two years.

Q. About that time? A. Well, I come here in 1853.

Q. And have been here ever since? A. Been here ever since; surveyed all the time except the first year or two I didn't do much.

Q. Well, what knowledge have you as to the location of the State lands? A. Well, I determine State lands from their published lists of lots and the maps; I have the list of the lots myself at home; the Forest Commission list, and Colvin's reports, and I am tolerably familiar with the location of the township lines and allotments.

Q. And have been so familiar during the last five or ten years? A. Yes, for more than twenty years; thirty, some of them; as much so as anybody; I have surveyed every year right along for about forty years all through here.

Q. Well, do you remember having, at any time during the year 1894 or later, made any investigation of the condition of any lots belonging to the State? A. Well, I went with Mr. Bouton and Lynch last fall, in November or December—I haven't the date—and investigated; I went with them on to lot 1 and 2 on the Gore between Dartmouth's patent and the 11th township, and I went on to some lots on the 11th township and on 29; I went on to two lots, on what is called the ladder lots of Gore, between township 29 and 31.

Q. Did you visit any other localities? A. Well, let me see: not particularly; we were on several lots on the 11th township.

Q. Will you state whether or not you, in the fall of 1894, visited lots Nos. 15, 16 and 17 and 32 and 34 of township 11, Totten and Crossfield purchase? A. We did; those are the lots we went on to.

Q. Well, what did you there find? A. Well, I found the timber was pretty nearly all took off of the lots as far as we went.

Q. Well, how far did you go over those lots? A. Well, I have got a tracing here of a map showing the lots; it is just a sketch I made; we run up on the line between lots 15 and 16 and 34 and 33 and part way onto 32; I went with them; others of the party went across 32.

Q. Well, state what you found there? A. The timber on the north and of 33, we found on the bluff—there is a mountain there juts out—and there were some timber left on 33; but the timber on 34 and on 15 and 16, all the timber was cut away, so far as we could see; we went out into it somewhat to another mountain that runs across 15, and 16, juts out toward the river and there is a valley runs back in there and the brook goes on, and all the timber was taken away through that valley, without much regard to lot lines, and apparently the timber was taken away as far as they could get at it conveniently.

Q. A clean sweep of everything? A. A clean sweep of everything that was valuable.

Q. And did the examination which you thus made extend pretty much over the whole of lots 15, 16, 34 and 32? A. No; there is a mountain runs right across; perhaps it would be no use for you record, but there is a mountain, called Diamond mountain, that runs across the two lots, 16 and 17, north of us, and they cut up and onto the side of the mountain; but we didn't go over the mountain and didn't examine the north ends of lots 15 and 16 any further than we went up the river, and I have no direct information whether they cut the north end of these two lots or not; the south and of both of these lots were cut up as far as we went, clear up to this mountain; there is a valley a broad valley—

Q. How many acres were cut over of the lots that you thus examined? A. Well, it is a difficult thing, as I did not run around to make a thorough, exhaustive examination, but then I should say that half of 15 and 16 were cut over; that would make over 300 acres; and being on the mountain, going right along the line, it was clear enough that everything was cut along there.

Q. Three hundred acres on each of them? A. On the two; possibly the whole of it; half on each; apparently they have cut everything on that side of the mountain that is my judgment; of course I couldn't tell you precisely without going right around and measuring the land.

Q. Well, how many acres of 34 appear to have been cut over, of which you examined? A. Well, I didn't go all over the lot; the lot appeared to have been lumbered; we went through it.

Q. And how many acres are there in that lot? A. There should have been 300 acres.

Q. And how many acres appeared to have been cut over on lot 32, as you thus examined it? A. Well, as far as I went the timber was cut.

Q. And there were 300 acres in that lot? A. There were 300 acres in lot 32; there are other witnesses; the party that went over will tell you, of course, about that; I didn't go over it and I can not tell you.

Q. What other witnesses do you refer to? A. Well, my son is here; he went right across the lot.

Q. What is his name? A. Alonzo Davis.

Q. And he examined the whole of these lots? A. He went diagonally, right cornerways across the lot; he and some one else, Mr. Lynch I think; I presume that was cut entirely, the whole of it.

Q. It is Daniel Lynch, I presume, to whom you refer? A. Daniel Lynch.

Q. He has testified already that about 1,500 acres appeared to have been cut over of the five lots that you thus examined with him? A. Well, that would be entire, the whole lots; I presume there were; there would be 1,500 acres in the five lots.

Q. Did you make any careful examination as to the number of trees cut? A. Oh, no; I did not; I made a rough estimate from going over.

Q. What estimate did you make in respect to the timber cut therefrom? A. I don't remember on those lots whether I made any estimate of it; it is a difficult thing to estimate; this cutting is a second cutting; the lots had been lumbered years before, the first cutting, and it is a very difficult thing to estimate.

Q. The stumps were all green? A. Yes.

Q. And showed the fresh cutting? A. Yes; cut a year or so before we were there.

Q. And what is your statement as to the time when the timber was thus cut from those lots? A. Well, it was within two years certainly from the time I was in there.

Q. You would say, then, in about 1892 to 1893? A. Somewhere; yes.

Q. Do you know by whom that timber was cut from those lots? A. No, sir; I do not.

Q. Have you any information on that subject? A. Well, I don't know as I have any positive information; I was told—it seems to me that I understand—that John J. Wakeley was the head of the lumbermen; I understood he lumbered there; I understood at the time that there were some logs left on the bank of the river that they didn't put in for some reason or other; there were some pine logs that they drew from off up the valley.

Q. What was the character of the timber thus cut from those lots? A. Well, there was some hemlock cut, but the logs that I saw were mainly spruce; the second cutting is generally not large though, partly for lumber and partly for pulp; they cut the timber down, clear down.

Q. Well, are you not informed that the cutting of timber was done by John J. Wakeley? A. Well, that is my impression.

Q. On all of those lots? A. He had the control of the whole concern in there, I think.

Q. Do you remember whether Pat Moynahan had anything to do with the matter? A. I don't know anything about it only hearsay.

Q. What is the information you had on the subject? A. Well, I have heard that he did, but I really don't know anything about it, no positive knowledge.

Q. Can you recall by whom you were so informed? A. I can not.

Q. Did you ever have any conversation with Mr. Wakeley on the subject? A. My knowledge is indefinite, only this; my son had a note against Wakeley, and he was out of the country, and he had some logs there and there was some talk about it, that the logs belonged to him; he has since paid the note though, paid it to North Creek a short time ago.

Q. Do you know whether George E. Cooper had anything to do with the cutting of that timber? A. Well, that is mere hearsay; I understand that he had.

Q. Do you know of Jesse Wells and Charles and Melanchthon Dunkley and Douglas Morehouse having also to do with the cutting of timber on those lots? A. Well, not directly.

Q. But you were so informed? A. I don't know, but I heard Wells say so; I remember of a man that saw him there; I saw him right there at the time.

Q. Right on the lots? A. I saw him at Wescott's where Mr. Bouton and Mr. Lynch put up, and I was there, and I got meals there and done some writing there, and Wells was there; it was understood, and he was right there, and whether I heard him say positively that he helped cut the timber or not, I cannot say; there is no doubt but what he did though, I think.

Q. What estimate, if any, did you make as to the number of market logs cut from those logs? A. I hardly think that I made an estimate on those particular lots, though I might, I don't remember.

Q. Now calling your attention to township 29, will you state whether or not you visited the Russell tract and the 352 acre lot and the 500 acre lot? A. I didn't go on to the 500 acre lot; I went on to the 352 acre lot.

Q. And what did you find there? A. Well, we struck the south-east corner of the lot, run up the township line from Steward creek, and after we struck the corner we then took a course, westerly course, running diagonally across the lot a considerable distance; we went right through something like three-quarters of a mile, right diagonally from the corner, right through the lot till we struck a lumber road; we found the lot was lumbered as far as we went, except a very small corner, right at the corner on a ledge or bluff, a few trees right on the corner.

Q. What was the character of the timber that was taken from that lot? A. Mostly spruce.

Q. Of what growth? A. Second growth.

Q. Of what size? A. Pulp logs, small, ranging from 10 inches down to 5; cut everything right down.

Q. Then there was a clean sweep of the lot? A. A clean sweep except that little corner right up on the bluff; it corners up on the mountain; there was perhaps an acre or two there.

Q. About an acre? A. I should think so (indicates on map); as far as I could see, either end, the lot was lumbered, cut clean right down, everything.

Q. Did you estimate the number of trees cut or market logs? A. Well, I think not; it would be a pretty wild estimate; I suppose that you would probably have to make a more exhaustive survey to do that; and my impression is that I did not make an estimate of what was taken off from that lot.

Q. Were you alone in your examination of that lot? A. Mr. Bouton was with me and Mr. Lynch; no, I am mistaken; Mr. Bouton, was in the company, but he went around with the team; Mr. Lynch was there and some one else, my son, I believe, my youngest son.

Q. Well, Mr. Lynch has stated the estimate made as reported by yourself and your son of the timber cut from both the 500 acre lot and the 352 acre lot of the Russell tract? A. Well, my son—I don't know but he was with them on the 500-acre tract, but he wasn't with us that day; I believe not; my younger son that is not a surveyor, a guide and hunter, he was with us, but he wouldn't know much about the timber; I might have made an estimate of the timber and might not; I don't remember whether I did or did not.

Q. Would you say that there were at least 2500 market logs taken from that 352 acre lot? A. I should think that there was; I wouldn't say "at least," but I should presume there was; all I know is that we traveled as much as three-quarters of a mile, I should estimate on the lot, and it was all cut clean, and we followed the lumber roads and saw their skidways.

Q. Now by whom was that trespass on State lands made? A. I don't know who did it.

Q. Well, what is your information on that subject? A. Well, I have been told—I heard that Knapp and Faxon cut it.

Q. Do you know whether they cut that for their own account or for some one else? A. Well, if they cut it, they cut it on their own account.

Q. Have you ever heard of John J. Wakeley having cut that lot? A. I don't think he did; no, he didn't; he didn't cut that lot; I never heard that he did.

Q. Have you ever heard of Pat Moynahan's connection with the cutting of timber on that lot? A. No, I never heard that Moynahan had anything to do with that lot.

Q. Do you know where the timber was taken? A. To the Sacondaga river on one side and to the Steward creek on the other; there is a ridge runs through the lot.

Q. Well, do you know where it was removed to? A. Well, it went below somewhere; I don't know where it did go, but the logs were drawn right down to the Sacondaga river on considerable of the lot that lays north of the ridge, and on the other went down to Steward creek.

Q. Was the timber hauled off as fast as it was cut? A. That is not the method; they cut and skid the logs in the fall, and then when it comes sleighing draw it on sleighs.

By Mr. TEN EYCK:

Q. Well, but you don't know how it was taken off? A. Why, yes, I am acquainted with the work; they skidded the logs on skids, and then they had main roads to the skidways and drawed it to the river; you could see that on the ground.

By Chairman WILDS:

Q. Will you give me the names of other persons of whom you are informed as having to do with the cutting of timber on that State lot, or the removal thereof? A. Well, I have heard the name of the man that done it, but I can not recall his name now and it is mere hearsay.

Q. We would like to have you refresh your recollection as best you can on that subject? A. I don't think I could recall his name at all.

Q. Where does he live? A. I don't know where he lives; I heard them say he lumbered it, but it was a matter that at the time had no special interest; I think I merely heard them tell who lumbered the lot.

Q. Now, from your examination of that lot, when would you say the timber had been cut therefrom? A. Well, within a year or two before we were there.

Q. And you were there in the fall of 1894? A. Eighteen hundred and ninety-four, last year, late.

Q. Then the cutting would have been somewhere in 1892 or 1893? A. Yes.

Q. According to your best judgment? A. Yes.

Q. Now calling your attention to the gore south of township 11, will you state whether or not you made examination of lots Nos. 1 and 2 thereof? A. We were mainly on lot No. 1; I believe we didn't go largely on to lot 2; but the timber that lays over the mountain, including a large portion of 1 and a little corner of 2, as near as I can recollect, was all taken off; it was cut very close, clear down, everything; it was cut as low as 5 inches at the top of the 13 foot log.

Q. And in lot 1 how many acres do you estimate to have been cut over? A. The lot is a gore partly; I should say 100 acres.

Q. And of lot No. 2 of that gore, about how many acres would you state to have been cut over? A. We didn't examine that that day enough to say; only a small portion of it; a little corner of it, I should think, on that side.

Q. What would you estimate to be the number of trees or market logs cut and taken from lot No. 1 of that gore? A. Well, I hardly know whether I could make an estimate of that; the lot had been lumbered before, and the trees were small; and even if I knew the number of trees I could hardly estimate.

Q. The statement has been made heretofore that at least a thousand market logs were taken from lot No. 1 of that gore; would your estimate correspond with that statement made by Mr. Lynch. A. I don't think there was.

Q. The statement has also been made by Mr. Lynch that at least 300 market logs were taken from lot No. 2 of that gore; does your estimate correspond therewith? A. Well, I am not much accustomed to pulp log cutting, and they cut the timber right down, and I don't know exactly how much was left in the first lumbering; I owned the timber on that lot once and sold it to Mr. Fuller, and Fuller sold it to Baldwin, and he lumbered it, he and Fuller, and how close they lumbered it I can not say; I couldn't estimate it; I don't think there was as much as that.

Q. His estimate was that there were at least 1,300 market logs taken from the two lots? A. You mean this last cutting, of course?

Q. Yes. A. Well, I do not dispute his estimate, but I shouldn't run it so high as that.

Q. By whom was the trespass on that State land made which you there discovered and to which you refer? A. Well, I suppose that Mr. Baldwin cut it.

Q. Philander Baldwin? A. Philander Baldwin; I suppose he did.

Q. And when did it appear that the trespass was made? A. About a year before.

Q. About 1892 or 1893? A. About the same time as the other, yes.

Q. Now calling your attention to the gore south of township 31, did you enter upon and examine lots Nos. 10 and 11 of the gore? A. Yes, we went along the line to find the corner and went up the lumber road where they drew the logs off.

Q. And what did you there find? A. Well, we found apparently that all the timber had been cut off from lot 11 and a corner had been cut off from lot 10; there is a creek rises in on lot 10 that flows west of the ridge and comes down into the Sacondaga river; where that creek runs off the timber was left to a certain ridge; they apparently took all there was on it that would go conveniently out to the river.

Q. And about how many acres would you estimate to have been cut over on lot 10 of that gore, and how many market logs taken therefrom? A. Well, there wasn't a very large tract cut over; it is a corner.

Q. Would you say as many as 80 acres had been cut over? A. I shouldn't say there had.

Q. Would you say that as many as 800 market logs had been removed therefrom? A. It was good timber; I couldn't hardly estimate it; the timber was first growth; I was in the timber a year or two before, and it was very fine timber on the corner of 10, and also on the corner of 11 adjoining the timber was very nice.

Q. Do you know when and by whom the trespass on those lots was made? A. It was done about the same time as on the other lots on the 11th township adjoining; it was done by the same parties.

Q. That is, by John J. Wakeley? A. That is as I am informed, yes; I didn't see them there.

Q. And George E. Cooper? A. Well, that I don't know.

Q. And Jesse Wells? A. It seems to me that they told me that some one had a separate job on these two lots, 10 and 11.

Q. Wasn't it George E. Cooper? A. Very likely; I don't know.

Q. Don't you know? A. No, I don't know.

Q. Have you been informed? A. Well, I can not remember whether it was him or who it was, only I understood there was some one had a separate job on those two lots under the same general management.

By Mr. ELDRIDGE:

Q. When you examined these lots in connection with Mr. Bouton, did you make the examination with a view of determining the number of logs that had been taken off? A. Well, an approximation only; we didn't make as thorough examination as we would have done if we were appraising the timber.

By Chairman WILDS ;

Q. Have you any knowledge or information as to the circumstances by which trespass was made by any persons engaged in the trespass on these several lots to which you have referred? A. No, sir; I don't know anything about it.

Q. Do you know or have you information of any license, authority, permission or acquiescence by any State official in respect to such trespass? A. Really I don't know anything about it; I have heard rumors this way and that way, but I know nothing about this, about any license or anything of the kind.

Q. What knowledge or information have you in respect to any other trespass on State lands? A. Well, I am a surveyor; and when I go into the woods, I generally mind my own business, and I am not an informer; I have never had any authority to look up trespasses or anything except when I have been employed to do so.

Q. This is an investigation at the instance of the Assembly of the Legislature of New York, desirous of probing to the bottom the alleged trespass on State lands within the Adirondack regions, and we would like from you as full information as you can give? A. Well, my impression is that there has been a large amount of timber cut on State land in township 3 of the Totten & Crossfield purchase, if you want to go off as far as that; according to the Forest Commissioners map, about one-half of that township belongs to the town of Arietta, and the other half belongs to the town of Lake Pleasant; so far as I went, I went across up on the road, they had cut up about the whole width of the lot; and through information they have cut up all along there; and from the best information I can get, they have cut a whole tier of lots there.

Q. When was that cutting? A. Well, within three or four or five years; they have been cutting right along there for quite a number of years.

Q. And do you think they are cutting there now? A. I presume so.

Q. By whom is that cutting made? A. William Parker and Andrew Thurston of Chester.

By Mr. TEN EYCK :

Q. Are you sure that they are the ones that are doing it? A. Well, I know by report; they don't deny it at all; they claim that their allotment runs over from township 2.

By Chairman WILDS :

Q. And the lots to which you refer as having been cut over are lots 1 to 11 inclusive of township 3, Totten & Crossfield purchase?

A. Yes, substantially; mostly, however, from 3 to 11, I should presume.

Q. From 3 to 11? A. Inclusive.

Q. Of which only 5 and a portion of 8 is said to be individual property? A. Yes, 5 and a portion of 8.

Q. And the southeast quarter of 11? A. The southeast quarter of 11.

Q. What information have you as to the persons engaged in the taking of timber from lots 3 to 11 of township 3, Totten & Crossfield purchase, other than the names of Parker and Thurston? A. Well, the information is: I was through there a few years ago and I saw that they had cut over the township line; and then I run the township line seven or eight years ago all through there, run it for Colvin; I run the south line of township 3, the whole of the west line, and run a trial line clear to Cedar lake across the north end.

Stenographer reads question.

A. I don't know of any other parties lumbering in there of late; there were some parties cut timber in there that I knew nothing about; I merely have seen the timber cut and seen the tops as I have been up through surveying.

Q. What was the character of the timber that was taken from those lots? A. Spruce and pine; some pine; but whether the pine was on those particular lots or not, I don't know.

Q. And as I understand, there was a clean cut of all the lots? A. I should presume so; yes, as far as I saw it, it was, of course.

Q. And you followed the southerly line through its whole length of that township? A. It is a question; Parker and Thurston admit that they cut over the line that I run, the township line; and the excuse was the allotment of township 2 run over on to 3; but I am satisfied there wasn't—; I was through there twenty-five years ago with James Ordway, and we found the lot corners all plain right along on the township line.

Q. Well, their trespass was at least a mile north of the southerly line of township 3? A. Oh, no; they are only about half a mile.

Q. Their trespass extended over the whole of the southerly tier of lots, did it not? A. Well, where I went some years ago, they had cut as far as that, and the information and judgment that I have formed, in regard to it, is that they have taken a tier off on both ends of the township; the north end, it don't belong to the State; of course, that is out of this question; but they have cut a tier right off from both ends.

Q. When was that trespass made? A. Well, it has been made, the later cutting has been within the last—I can not tell you positive—three or four years.

Q. And is that now a continuing trespass by them, or has all the timber been cut and removed? A. Well, I haven't been up there lately, and I have had no information as to whether they have got through or not; they have been lumbering for a few years past right along there, and admit that they cut over the township line.

Q. When did they so admit to you? A. Well, within a year or two.

Q. Is that as definitely as you can state? A. Yes; I can not remember positively.

Q. What information did they give you as to the extent of their trespass—that is, as to the amount of timber they had removed therefrom? A. I don't know anything about the amount of timber, only I know this, that the first trespass that I saw there parties had then lumbered a half a mile from the township line, up along the "old military road," and as far as I went, and I presume that they had some sort of claim that the township line was up there or something of that kind, from the way they lumbered.

Q. Well, what knowledge or information have you as to any other trespasses on State lands? A. Well, I don't know of any other trespass of any consequence on State lands.

Q. Well, you don't wish it to appear that you are in any way suppressing information that you have in respect to trespass; when I ask you as to what knowledge or information you have as to such trespass, you state, "I don't know of any other trespass;" now I would like to have this record show your disposition to give the State all the information you possess? A. Well, I don't know positively; there is a continual tendency of lumbermen to cut over; and I have no other knowledge only I have heard remarks that they cut over the line in various places; the same parties, down here on the gore—I have been informed—my son informed me that they had cut over the line.

Q. Well, will you state what parties? A. Same parties.

Q. You mean Parker and Thurston? A. Yes.

Q. To what gore do you now refer? A. The gore between Dartmouth patent and No. 11.

Q. South of township 11? A. Yes.

Q. And when was that trespass made and upon what lots? A. Well, it has been made three or four years—four or five; the trespass was on that part of lot 5 that lies in the town of Thurman; my son will be here, and if you want to find out about that, he knows more about it than I do; mine is only hearsay; he says they have cut over all along—cut over on lot 5.

Q. And 4 and 3 and 2? A. No, not this party; they lumbered 5.

Q. Have they ever lumbered on lot 17? A. I have been informed they cut over onto 17.

Q. And do you understand that there has been a clean sweep of the timber upon 5 and 4 and 17? A. Oh, no; I wish to say they merely nibbled along the edge, cut over the line more or less.

Q. How much more? A. I couldn't say how much.

By Mr. ELDRIDGE:

Q. Has there ever been any dispute as to the lines along there that you know of? A. I guess not.

By Chairman WILDS:

Q. Have you knowledge or information of any other trespass on State lands? A. I don't think of any now, only what I referred to on township 3.

Q. Have you stated all trespasses that have come to your knowledge during the past five years say? A. All I can think of now.

Q. Are not trespasses upon State lands common in this neighborhood? A. I wasn't aware they were until I went with these gentlemen to investigate it last fall.

Q. Well, since the investigation you made last fall then, and the knowledge you then obtained, do you say that trespasses upon State lands are common in this neighborhood? A. No, I think not; I think that the trespass is confined mainly to the parties already named; I don't know; I own a lot myself right side of a State lot.

Q. Well, I presume, then, from your experience and observation, that you would say that the laws of the State sufficiently protect the forest against depredations? A. It protects them against depredations so far as ordinary men is concerned; the trespasses are done by men of some considerable means, lumbermen, according to my information; ordinary people, as a general thing, do not steal timber off from State lands.

Q. Well, have you any suggestions to make which might tend to the better protection of the forests against depredations? A. Nothing, only to enforce the laws.

By Mr. TEN EYCK:

Q. From your position as surveyor in this locality for the last forty years, do you think that you are as likely to hear of a trespass or have the knowledge of a trespass come to you as to any other person in this vicinity, except the persons that were actually committing or had committed the trespass? A. Well, it seems that I didn't hear any-

thing about this large trespass right in here within five or six miles of my place, but I don't meddle with such things.

Q. But you would be as likely to hear of it as any one? A. I would be as likely to hear of it as any one.

Q. Except the persons who were actually committing the trespass?

A. That were actually in it; wherever lumbermen are at work the State land needs looking after occasionally by somebody who will go right onto the ground and see what they are doing.

Q. I understood you to say that you would be as apt to hear of it as any one? A. I would be as apt to hear of it as any one.

Q. And probably more than the great majority of people? A. Yes; I am a surveyor.

BYRON MILLER, being duly sworn, testified as follows:

Examined by Chairman Wilds:

Q. What is your name, age, residence and business? A. My name is Byron Miller, 37 years old, residence North Creek, town of Johnsbury; I am a laborer.

Q. Do you remember having had a job last year, that is, in 1894, on the cedar swamp on lot 20, township 16, of Totten & Crossfield purchase? A. I didn't know what lot it was; I know I worked there by the day.

Q. Well, how was the lot located for you and by whom? A. I was sent there by Mr. Baker.

Q. And how did you know where to go; what directions did you receive as to the location of the lot on which you were to take timber?

A. Mr. Baker went there with me.

Q. Mr. Baker, then, pointed out the lot to you and its bounds? A. He showed me the place to work.

Q. Well, now, over how many acres did you cut the timber? A. Oh, I should say it wasn't more than a couple of acres any way.

Q. But you would say it was as much as two acres that you cut over? A. Well, I wouldn't say that I cut over two acres.

Q. That is your best estimate though? A. Yes.

Q. What timber did you cut there? A. Cut cedar.

Q. How much timber? A. I don't know.

Q. What did you do with the timber? A. I drew it out to the main road.

Q. Down to Mr. Baker's mill? A. No, sir.

Q. Who did the hauling of that timber? A. Well, there was different people hauled it from there; I hauled it out of the swamp.

Q. Give me the names of those who hauled the timber to the mill?
A. I couldn't do it for I don't know half of them.

Q. Do you know any of them? A. I know some of them.

Q. Well, then give me the names? A. I know of one man by the name of Pat Donohue, and there is a fellow by the name of Casey drew some.

Q. Is that all you know? A. No; there was another Donohue, but I don't know his given name.

Q. Were you never told that the cedar swamp upon which you there cut timber was located upon lot 20 of township 16? A. No, sir.

By Mr. NILES:

Q. Did you know that this land on which you were cutting was State land? A. Well, I supposed it was; I didn't know for certain.

Q. Don't you understand that there is a penalty attached to cutting timber on State lands? A. Well, sir, I didn't know at that time.

Q. Hadn't you ever heard that it was against the law to cut timber on State lands? A. Well, I supposed it was, green timber.

Q. Did you have any authority from any one to cut this timber on State land? A. Yes, sir; I had authority from Mr. Baker.

Q. Did you ever have any authority from the Forester or from any of the Forest Commissioners? A. No, sir, I did not.

Q. Didn't you understand it was necessary to get that authority before you went on? A. I didn't know it.

Q. Have you cut any other timber on State lands in this vicinity? A. No, sir.

Q. Are you in the habit of cutting timber on State lands without authority? A. No, sir.

Q. Are you willing to testify that you didn't cut those cedar trees on a tract exceeding two acres in size? A. Well, now, I ain't positive as to how many acres there was there; I didn't take no particular notice to the ground that we worked over.

Q. Well, will you swear positively that it did not exceed two acres in extent? A. No, sir.

Q. Might it have covered a larger tract? A. It might and it might have run under.

Q. Didn't you keep a record of the number of pieces that you cut there? A. No, sir; I did not.

Q. How were you paid? A. Paid by the day.

Q. How many men did you have cutting with you? A. Well, there was two men besides myself most of the time.

Q. Were they employed by you or Mr. Baker? A. Well, I will tell you about that; I took it to get out by the market first, and then I see there wasn't nothing in it, and then he paid me by the day for it.

Q. How many markets had you got out at the time that he commenced paying you by the day? A. Well, I don't know that either; I couldn't tell for I don't know.

Q. Well, did you at any time employ any one to assist you in getting out those cedar logs? A. I did on the first commencement of it.

Q. Who? A. Josiah Waldron and Charles Osborne.

Q. Who were employed with you afterwards by Mr. Baker on that job? A. Well, Mr. Waldron, and, I think, Mr. Osborne worked a while after that.

Q. Anyone else? A. Yes, he sent another man up there.

Q. What was his name? (No answer.)

Q. Never mind, if you don't know it—how long were your working altogether on that job? A. I think somewheres in the neighborhood of six weeks.

Q. And during this entire six weeks you only cut over a tract of about two acres? A. I don't think that we went over two acres.

Q. Did you see Mr. Powers at any time while you were at work on that lot? A. I see him pass down the road once.

Q. Did you have any conversation with him about it? A. No, sir.

Q. Were you ever notified that you were cutting on State land? A. No, sir.

By Mr. TEN EYCK:

Q. Who had charge of the men working there? A. I did.

Q. What was Mr. Baker's instructions to you as to the kind of timber to cut in that swamp? A. Well, sir, he told me to go on and cut whatever I thought would make shingles.

By Chairman WILDS:

Q. And you made a clean cut of everything within sight? A. Well, we didn't cut no saplings; didn't calculate to.

Q. But otherwise you made a clean cut? A. Pretty near it.

By Mr. TEN EYCK:

Q. Did he say anything to you about only cutting the dead timber? A. No, not in particular, as I know of.

Q. Did you cut other than in the swamp? A. No, sir,

By Chairman WILDS:

Q. How large is this swamp? A. I couldn't tell you; I never went around it.

By Mr. TEN EYCK:

Q. What were the trees, mostly dead or mostly alive? A. Mostly dead trees; there were some trees that there would be a bunch or two of green limbs on, but the top would be dead.

By Chairman WILDS:

Q. Well, it has been testified to by other witnesses that the trees were mostly alive, growing, healthy trees, that were cut from that lot? A. Well, I wouldn't call it so.

GEORGE E. COOPER, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your name, age, residence and business? A. My name is George E. Cooper; I am a farmer; I am 34 years old my next birthday; residence, Johnsburgh.

Q. How long have you lived in Johnsburgh? A. I have lived here most thirty years.

Q. Are you pretty well acquainted with the location of State lands in this neighborhood? A. I am not.

Q. But you have general information of their location, have you not? A. I have not; no, sir.

Q. Do you remember having a timber job from John J. Wakely, to be done on the gore south of township 31, lots 10 and 11? A. Well, in regard to the lots, all I know about the numbers are what I heard him say; he said they were 10 and 11.

Q. Gore south of township 31, or otherwise known as the gore between townships 29 and 31? A. I couldn't say as to that; I am not posted enough; all I ever knew about it, it went by the name of the Curtis lot.

Q. Calling your attention to their location upon the map, they are in the gore south of township 31, are they not? A. Yes.

Q. And the two lots upon which you had a job were lots 10 and 11? A. Yes, sir; that is what he said; that is all I know about it.

Q. Well, what kind of a job did you have there, and when was it? A. It was year before last.

Q. That is, in 1893? A. Yes, sir.

Q. What did you do? A. Well, I cut and drawed the spruce.

Q. Did you make a clean cut of all the timber on the lots? A. As far as I went.

Q. And over how many acres did you cut? A. Well, I couldn't say as to that.

Q. Well, you are well able to make an estimate of acreage, are you not? A. Well, I might have went over 150 acres.

Q. On the two lots? A. On the two lots.

Q. Well, do you remember where you began your work on those lots; was it on the southerly line? A. No; I should say not; I should say it was nearly east.

Q. The easterly line? A. I should say so.

Q. And did you cut due west, or south, or north, or in what direction? A. It is nearer west as I should say.

Q. Do you remember how many pieces were cut? A. No; I do not.

Q. Haven't you any means of refreshing your memory? A. Well, now, I think I have the bills of them to home, of the logs; that is all that I could tell.

Mr. NILES. — Cannot he refresh his recollection from the affidavit?

By Chairman WILDS:

Q. Do you remember the number of markets cut? A. Not exactly.

By Mr. ELDRIDGE:

Q. Come as near it as you can; you must know pretty close; in the neighborhood of how many markets? A. It was somewhere between 1,300 and 1,400, I think, markets; I wouldn't be positive.

By Chairman WILDS:

Q. In an affidavit said to have been made by you on the 17th of December, 1894, it appears to be stated that you cut at least 1,200 market logs from those lots, that you cut everything clean that would answer for lumber or pulp, and that on the average it would take about five pieces to make a market log; from that statement is your recollection refreshed, and would you state that that statement is true? A. Well, that is as near as I can say.

Q. Do you remember how the logs were marked? A. I don't; I couldn't say as to that.

Q. They are said to have been marked with a crossed "T;" do you recall that fact? A. I think that is what it was; I wouldn't be positive, but I think that is what it was.

Q. What did that signify? A. Well, that I don't know.

Q. By whose direction was that mark placed upon them? A. By Wakeley, I suppose; I don't know.

Q. Was that placed upon them by you? A. No, sir.

Q. By whom? A. Now, I couldn't say what the man's name was that marked them.

Q. Who were employed upon that job with you? A. Well, there was quite a number of different men worked there.

Q. Give me their names? A. Well, there was Billings Monroe, James Colvin, Ben. Straight, James Goodspeed; I can not think of any more.

Q. Were those whom you have thus named, and others, under your employ? A. Yes, sir.

Q. How many men altogether were employed there by you? A. Well, I couldn't say as to that at different times.

Q. Well, on the average? A. Well, there used to be from eight to ten.

Q. How long a time were you engaged upon that job? A. I couldn't say exactly; I was there somewheres about four months altogether, I think—four or five.

Q. Beginning when? A. Some time in September, 1893.

Q. And did you finish the job? A. Yes, sir.

Q. Cut all the timber in sight? A. As far as I went.

Q. And you were there employed by John J. Wakeley? A. Yes, sir.

Q. Who located the place for you where the timber was to be cut? A. John J. Wakely.

Q. Did any surveyor run the lines of the lots? A. Not that I know of.

Q. Did you know that you were upon State land? A. No, sir.

Q. When did you first learn that those lots were State land? A. Last fall.

Q. From whom? A. Well, I couldn't say what his name was—this man that was here.

Q. D. C. Durfee—G. L. Bouton? A. I think that was the name.

Q. The one that is here with us on this trip? A. I don't know; I thought I see the gentleman in here when I came in.

Q. Did you know that the lots north and west of lots 10 and 11 were also State lands? A. No, sir; I did not.

Q. Did you make any inquiry on the subject? A. Nothing only just what Wakely told me.

Q. Did you cut where he told you, regardless of whether the land was State land or not? A. Well, I cut where he told me; I didn't know.

Q. It was a matter of no consequence to you as to whether you cut on State land or not? A. Well, I wouldn't have cut on State land if I knew it; of course.

Q. But you made no inquiry to satisfy you on the subject, did you? A. No.

Q. Did you have the whole job for the cutting of the timber on those lots? A. Yes, sir.

Q. Do you know whether any timber has been cut there since you finished your part of your work there? A. I don't, no.

Q. Where was the timber delivered? A. On the Sacondaga river.

Q. To whom was it delivered? A. Well, that I don't know.

Q. Did you never hear? A. No, sir.

Q. Whereabouts on the river was it delivered? A. Just below the mouth of the Siamese brook.

Q. Is there a road along the Siamese brook, on which you hauled the timber? A. No, it don't run along by the brook—it is a piece from the brook—runs up.

Q. Is the road pretty nearly straight down to the Sacondaga river from those lots? A. Yes.

Q. Is it simply a timber road? A. That is all.

Q. Did Wakeley tell you for whom or by what authority he proposed cutting timber on those lots? A. Why, he said that he owned the lots; that is what he told me.

Q. Over how much of lot 10 was your cutting done? A. Ten is the westerly lot, isn't it.

Q. Yes? A. Well, there was but a small corner on that.

Q. Well, it has been stated that at least 80 acres of that lot was cut over; does that correspond with your estimate? A. Well, I wouldn't think that I went over hardly as much as that; I couldn't say positively.

Q. It has been stated that at least 800 market logs were taken from lot 10; does that correspond with your estimate? A. I couldn't say how many there was taken.

Q. Do you remember also having had a job, a timber job, on township 11, in the northwest part, on lots 15, 16, 17, 32 and 34? A. Down the river from that, isn't it; well, I was there with another man—partner.

Q. What was his name? A. Douglas Morehouse.

Q. And when was it? A. It must have been 1892, because the year before I was up on the other place there.

Q. Will you state what your job was and what you there did and for whom you took that job? A. I took the job from John J. Wakeley, that is, Morehouse did; he took the job; I didn't have anything to do

with the taking of that job or anything; he took the job, and then I went in with him after he took the job.

Q. You went into partnership with Douglas Morehouse on the job?
A. Yes.

Q. Well, what was the job? A. Spruce.

Q. Well, it was a job to cut all the timber from lots 15, 16, and 17, 32 and 34 of township 11? A. Why, yes, we cut as far as we went; we didn't go all over those lots.

Q. Didn't you make a clean cut of all the timber on the whole of those lots? A. No, sir.

Q. Do you remember how much you omitted to cut over? A. No, I don't; we didn't do but a small job there.

Q. Well, it may have been to you a small job, but it has been stated that at least 1,500 acres of those lots were cut over, that everything was cut, and that at least 7,000 market logs were cut therefrom?
A. Well, we didn't do all that.

Q. Who did do it? A. Why, Wakeley put men in there and done it—John J.

Q. And who were the men? A. Well, that I couldn't say; I couldn't name them.

Q. How much of this cutting did you do, and where was your cutting done? A. Well, we cut along up what is known as Diamond Mountain brook.

Q. How far along that brook did you cut? A. Well, I couldn't say; not such an awful ways up the brook.

Q. Well, in an affidavit made by you on the 17th of December, 1894, it appears to be stated that in the winter of 1892-1893 Douglas Morehouse and you took a job to cut, pile and draw logs for John J. Wakeley, on the easterly side of the Sacondaga river, northerly from the Sawyer clearing, on both sides of the Diamond Mountain brook, commencing about one-quarter of a mile easterly from the Sacondaga river, and cutting back on Diamond Mountain brook, a distance of about three-quarters of a mile; is that the fact? A. Well, I should think that was correct.

Q. How many acres would you then estimate to have been cut over by you? A. Well, I "swan" I don't know.

Q. You cut a distance of at least three-quarters of a mile, you say?
A. I should think so.

Q. Right and left, on each side of the Diamond Mountain brook; haven't you any estimate as to the acreage cut over; there are about three hundred acres in each of those lots? A. Well, we couldn't have went over a hundred acres any way.

Q. Altogether not over a hundred acres, where you cut three-quarters of a mile? A. Well, it wasn't very wide; it was a narrow strip that we cut.

Q. How long a time were you engaged upon that job? A. Well, I couldn't say as to that; this Morehouse kept all the books, and the likes of that, while we were there.

Q. You were with him there all the time, were you not? A. Yes, sir.

Q. How many men did you have in your employ upon that job? A. Well, I couldn't say as to that, how many there was; there was quite a number of them.

Q. A dozen? A. Yes.

Q. Twenty? A. No; I don't think there was 20; I know there wasn't.

Q. Fifteen to eighteen? A. Somewheres along there.

Q. Will you give me the names of as many as you can remember? A. It is so long ago I have forgot, I have been around so much.

Q. Under your subpoena you are required to produce all books, papers and memoranda showing any transactions or communications of yours in reference to the cutting, hauling, purchase or sale of timber or logs? A. Well, I never had no papers.

Q. And do you keep no records of your transactions? A. Oh, yes.

Q. Will you produce them? A. They are to home; I was away from home when I was subpoenaed.

Q. How far are you from your home? A. Three miles and a half.

Q. Well, we desire your testimony to be as definite as possible; we do not want any guessing at any fact whatever, and we would like the production of such records as you have as to your transactions in timber? A. Well, in regard to this last matter, of course, Morehouse was the man that had all the papers.

Q. Do you remember about how many market logs you cut, piled and hauled on lots 15, 16, 17, 32 and 34 of township 11? A. I do not; no, sir.

Q. Well, in the affidavit to which I have referred, it appears that you have stated that you cut, piled and drew over 1,000 market logs on those lots, that on the average it would take about five pieces to make a market? A. Yes, sir.

Q. Do you stand by that statement? A. Yes, sir.

Q. Is that statement true? A. Yes, sir.

Q. How many more than a thousand market logs did you cut, pile or draw from those lots? A. I couldn't say; there wasn't a great many more; I wouldn't say how many more.

Q. Would you say at least 1,500? A. No, there wasn't 1,500.

Q. Were you paid by the piece? A. Paid by the market.

Q. And do you remember what you were paid on that transaction?

A. Seventy cents, I think.

Q. Per market? A. I wouldn't be positive.

Q. And do you remember what the sum was altogether that you received? A. I do not.

Q. Well, is it a matter of so small account to you that you can not bear in mind the cutting, piling and hauling of a job covering at least a thousand markets? A. Well, Morehouse was the head man, you see; he kept all the books and settled up.

Q. Who besides yourself and Morehouse took any job from Wakely for the cutting, piling or hauling of timber on those lots? A. Jason Mead, I believe, had a job skidding there.

Q. Of what place? A. Well, he lives up near Horicon.

Stenographer reads question.

A. I understood that Jason Mead had a job skidding and piling.

Q. Well, is he the only one whom you recall? A. He is.

Q. Don't you remember Jesse Wells having a job there? A. I didn't know that he had a job there; I knew he was there to work.

Q. Well, what did you understand he was doing? A. Why, he was skidding logs, but I didn't understand that he had a job.

Q. For whom did you understand that he was at work? A. For John J. Wakeley.

Q. Who else did you understand was at work upon those lots? A. Well, I couldn't say as to that; they were not down where we were to work; they were by themselves.

Q. Can not you give me the names of any of the others at work on those lots? A. There was a Dunkley.

Q. Don't you remember that Charles and Melanchton Dunkley were both at work there? A. I didn't know they were both; I knew that there was one.

Q. Which one? A. Melanchton.

By Mr. NILES:

Q. Where the land and timber were stated to be owned by the parties in employing you to cut, did you understand that any penalty would be inflicted on you if it turned out that the timber belonged to the State? A. No, sir.

Q. What did you understand was the law in regard to cutting timber on State lands? A. Oh, I didn't understand anything about that; I didn't know, I supposed that he owned that land there.

Q. Well, but what did you understand the law to be if you cut on State land? A. Well, I didn't know.

Q. Didn't you understand that there was some penalty for cutting on State lands? A. No, sir.

Q. Didn't you know that it was against the law to cut timber on State lands? A. Why, I supposed it was; I didn't know.

Q. Were you prepared to go in and cut timber anywhere on State lands whenever you wanted to get it, or could find a market for it? A. No.

Q. If you thought there was no penalty, why didn't you go in and cut timber anywhere where you could get it on State lands? A. Why, of course, I knew that there must be some penalty somewhere, some way.

Q. Did you ever see the State forester during the time that you were cutting either on this gore lot or the lot on the easterly side of the line of the Sacondaga river? A. No, sir; not that I know of.

Q. Were you ever told by anybody, while you were cutting on either of those tracts, that the land on which you were cutting was State land? A. No, sir.

By Mr. TEN Eyck :

Q. Did I understand you to say that John J. Wakeley told you that he owned these several pieces on which you cut, as heretofore testified? A. Yes.

Q. And in speaking of it afterwards, did you say—tell people, when they asked you, who you cut for in that direction? A. Did I tell them?

Q. Yes; what did you tell people when they asked you? A. I told them I was cutting for John J. Wakeley.

By Chairman WILDS :

Q. Have you cut for John J. Wakeley on any other lots? A. No, sir.

Q. Have you taken any job from John J. Wakeley, in reference to the timber on any other lots? A. No, sir.

Q. Have you done any timber jobs for any other person? A. No, sir.

Q. At any time? A. No, sir.

ROBERT MONTGOMERY, being duly sworn, testified as follows :

Examined by Chairman WILDS :

Q. What is your name, age, residence and business? A. Robert Montgomery; my age is 56 years old last May; my business is now a farmer, and used to be a lumberman; residence, Johnsburgh.

Q. Do you remember having anything to do with the cutting, skidding or hauling of timber from township 50, lots 97, 98 and 99? A. Well, I couldn't tell you just exactly about that; tell me the place where it was and then I can tell you.

Q. Calling your attention to a map of those lots, 97, 98 and 99 of township 50. (Shows witness map.) A. I didn't know the number of the lots when I was lumbering on there.

Q. Your son-in-law, Mr. W. H. Baker, has informed me that you know all about the location where that lumbering was done, that you can identify the lots upon the map? A. I could identify the lots if I was there; not on the map, I couldn't.

Q. Will you state how many acres you cut over? A. No, sir; I can not.

Q. Will you state how many pieces you removed? A. I couldn't state how many pieces, but I could state how many markets.

Q. How many markets did you remove? A. I suppose there was between five and six thousand markets, somewhere along in that vicinity, I couldn't say just exactly; think there was more, but I didn't get the amount of markets, I don't think, that belonged to me.

Q. I don't understand that part of the answer? A. I was working for Mr. Baker and I think that I had ought to have had more than what was given to me.

Q. Well, what was the job that you took from Mr. Baker and who located the land? A. Mr. Baker hired me and got me for to go in there for to do the job with him, he taking it of Mr. Moynahan, Patrick Moynahan.

Q. And what did you do there? A. I cut and skidded and put the logs on to the creek.

Q. Did you put the logs on to the Snyder brook? A. What they call the Moose pond, as I understand it; it runs into Cold river.

Q. It has been testified to that a lumber job was done by W. H. Baker, or for his account, on township 50, lots 97, 98 and 99, and I understand from him the only job he ever had there was a job that you did for him? A. That is the only job that he ever had; yes, sir.

Q. Will you then identify those lots, 97, 98 and 99, as the lots upon which the work was done by you? A. Yes, sir.

Q. And that job was done by you? A. Yes, sir.

Q. Last winter? A. No, sir.

Q. In what year was it? A. It was—I think it must have been three years ago; I can not really tell; it must have been as much as three.

Q. Eighteen hundred and ninety-two or 1893? A. It must have been 1892 and 1893; I wouldn't be certain; I think it was in 1893; it was in 1892.

Q. And from those lots, as I understand, you removed at least between five and six thousand market logs? A. Yes, sir; somewheres in that neighborhood; I couldn't tell you exactly how many there were.

Q. And you cut over, I presume, at least 500 acres on these lots? A. Yes, sir; I should think so.

Q. Perhaps more? A. There might be some more, I couldn't tell; I didn't keep no track of it.

Q. But you made a clean cut of the lots? A. Cleaned everything as I went along that was marketable for logs.

Q. And what was the kind of timber that you cut? A. Spruce, pine and balsam—no hemlock; well, I couldn't tell for certain whether I cut any balsam at all or not, but I think that I might have cut a few—not but very few.

Q. Did you see Patrick Moynahan on those lots? A. Yes, sir.

Q. While you were at work there? A. Yes.

Q. Was your son-in-law, Mr. Baker, on those lots while you were at work there? A. No, sir; he was not.

Q. Didn't go up at all? A. No, sir; he did not.

Q. The lots were located for you by whom? A. Mr. Moynahan.

Q. Mr. Moynahan personally? Y. Yes.

Q. Was any surveyor employed to run the lines? A. There were surveyors in there; but whether it was to run them lines or not, I couldn't say; there were surveyors stayed in for quite a number of nights and days with me.

Q. What directions were given, if any, to you. A. I didn't pay any attention; they were telling about running a line from—now I couldn't say whether it was Catlin lake or some other lake; I couldn't say whether it was from there or some other point that was in there.

Q. And you don't know whether the surveyors were in Moynahan's employ or for whom they were engaged? A. I think they were not in Moynahan's employ.

Q. Well, when you entered upon those lots to cut the timber from them, were you simply told to go ahead and make a clean sweep? A. I was told for to go to such and such lines.

Q. What lines? A. I can not tell you to-day what lines they were.

Q. Well, how were they described? A. They were described for to go to the line on—I think it was the township line—on such a corner, and for to go to that, and for to run down so and so, and for to go to

the next; and I couldn't tell for certain what lines they were; they said that the rest of the lands belonged to the State and they didn't want I should cut any over State land.

Q. You mean Mr. Moynahan told you not to cut any on State land?

A. Yes.

Q. Didn't you know that lots 97, 98 and 99 belonged to the State?

A. No, sir; I did not; I didn't till to-day.

Q. Well, when did you first learn that those lots belonged to the State? A. The first I knew was to-day.

Q. From whom? A. The people were talking right out here on the stoop, but I don't know whether—they were talking right out here in public that it was a State lot; no, I will take that back; Mr. Baker told me some time ago, come to think of it—I will take that back—Mr. Baker told me some time ago that that territory lumbered for him over there was State land.

Q. How long ago was that that he told you? A. Well, I think it is as much as a year ago; I won't be sure.

Q. Do you know how he was informed of the fact? A. I do not.

Q. He told you that the land on which you had cut the timber for him was State land? A. He said that he understood that it was, yes.

Q. And that was the only job that you ever had from him? A. That was the only job that I ever had from him.

Q. Of any kind? A. Of any kind.

Q. In any place? A. In any place, yes.

Q. Are you ready to take another job from him? A. Mr. Baker?

Q. Yes? A. He hasn't any other job for me to take from him.

Q. There are no unpleasant relations between you and him, are there? A. Oh, no; no, sir; not any.

Q. Your work on that job was all settled for? A. All settled for and all paid for; yes, sir.

Q. And the logs were delivered on the river? A. The logs were delivered on the creek, on Moose Pond creek.

Q. All of them delivered on that creek? A. All of them delivered on that creek.

Q. Do you remember how many pieces to the market? A. I can not tell you exactly how many pieces there was to the market, but I have lumbered a good many years—

Q. Who measured those logs for you? A. There was a man by the name of Austin, and the other man—now I can not fetch the other man's name to my memory; Austin was the man that was the head man for to measure anyway.

Q. What was his first name? A. Well, I can not tell you; it is kind of a singular name; he measured for Turner & Watkins of Potsdam, and it is the only job that I have ever done.

Q. Was it Austin or Ackley? A. It was not Ackley; it was Austin.

Q. Do you know Ackley? A. No, sir; I do not; and that is the only job I ever done in my life—and I have done a great many jobs—I have been in the lumbering business for the last 30 years—that I ever got beat on the measurement, and that I know that they beat me and beat me over a thousand markets.

Q. It is admitted, I suppose, by this Austin that there were between five and six thousand markets cut by you, and you claim that there were one or two thousand more? A. I calculate that there was as much as 1,000 more.

Q. One thousand more? A. Yes; I think that he didn't give me fair measure; I have lumbered a great many years, and I know what logs is and understand it.

Q. Was your pay on that job determined by the number of markets? A. No, sir; Mr. Baker was to give me \$50 per month for to go in and superintend that job.

Q. How many men did you have under you on that job? A. Sometimes from 15 to 25 men.

Q. Can you recall the names of those employed under you? A. I can not unless I went and seen the record and got the book that they had the names on.

Q. I suppose there was some boss under you? A. No, sir; I never had no boss; I have lumbered a great many years; I had no boss under me; I was my own boss and no one else under me.

Q. Every man on that job other than yourself was subordinate to you and to you alone? A. Yes, sir.

Q. What directions did Patrick Moynahan give at any time in the course of the progress of the work? A. Patrick Moynahan never give me no directions in the progress of the work, only that I should cut the timber clean and not leave any that was on there, because if I left anything he was so much out.

Q. How many times was he there on those lots? A. He never was there when I was there, that I know of.

Q. You have already testified that he was there with you on those lots? A. He never was; no, I didn't testify to that; he let the job to Mr. Baker.

Q. You said that Mr. Baker was never on the lots, but that Pat Moynahan came up there? A. Pat Moynahan was never on the lots that I know of, or Mr. Baker, either one.

Q. How did you locate the lots, then ; you told me that Pat Moynehan went there and located where you were to cut the timber ? A. Eddie Anderson went there and showed me, and we went there and looked the territory over and found where it was ; Anderson was working for Moynehan or had a job for Moynehan.

Q. What is Anderson's first name ? A. Edward Anderson.

Q. What job did Edward Anderson have for Moynehan and what had he to do with reference to these lots ? A. He didn't have anything to do, only he went with me for to kind of look the lots over ; him and me went together.

Q. And Moynehan didn't go with you ? A. No, sir ; he did not.

Q. Or meet you there ? A. No, sir ; he did not.

Q. And then do I understand you as stating that you didn't see Moynehan on those lots at any time while you were at work there ? A. I did not, sir ; never saw Moynehan on those lots while I worked there ; never, to the best of my knowledge.

Q. Who else did you see on those lots while you were at work there ? A. Well, that is something that I couldn't tell you, who I did see on there ; there were quite a number ; Eddie Anderson was the one that went and showed me the lots ; Moynehan told me for to go and look the lots up.

Q. Was he a surveyor ? A. No, sir ; he was not ; he was a lumberman working for Moynehan.

Q. Where was he at work ? A. He had a job for Moynehan on what they call the Thompson territory.

Q. Where was that ? A. On township 28 ; Anderson and me went off to look the lots over, and at the same time we went to look we got lost and we came pretty near laying out over night.

Q. Well, you did get lost on State land any way, didn't you ? A. Well, it might be that we did.

Q. You understand that the cutting that you did up there was done on State land ? A. I never knew it till—

Q. You know it now ? A. Well, that is what they say now, yes ; I didn't know it at the time, that it was State land ; no, sir ; if I did, I wouldn't have cut it.

Q. Do you understand that there are any penalties that attach to the cutting of timber on State land ? A. Well, I supposed there was, of course.

Q. Do you know what those penalties are ? A. No, sir ; I do not.

Q. Did you ever investigate ? A. No, sir.

Q. Did you ever have any fear of cutting timber on State land ? A. Well, I never did cut any timber on State lands that I know of except

it was on — and I supposed I was cutting that — I supposed I was cutting that, that it belonged to the man that it was—

Q. Why did you understand it was cut? A. Well, the reason that I took the job of Mr. Baker — he sent me in there and paid me so much a month for to go in there, and he supposed that it belonged to Mr. Moynehan, or not belonged to Mr. Moynehan, but Turner & Wakins, and Moynehan had taken it for him and he had taken it from Moynehan — that is what he told me, when he wanted I should go in there and take the job of him.

Q. Are those all the directions that you received in reference to the matter? A. All the directions that I received in any way, shape or form.

Q. Were you ever notified while you were cutting or hauling timber from those lots, that you were on State land? A. No, sir; I never was.

Q. Have you ever since then been notified of the trespass which you there committed? A. I never have.

Q. Do you know of any settlement or prosecution for that trespass? A. No, sir.

Q. Against Moynehan? A. No, sir.

Q. Or Mr. Baker? A. No, sir; I do not.

By Mr. TEN EYCK:

Q. Were you told what lots you were to lumber when you went in there? A. I think I was, but I don't really remember now what lots it was; we went on there and looked the lines right around.

Q. And Mr. Anderson was the only man that ever showed you? A. There was surveyors in there, but I really can not tell the names of the surveyors.

Q. But Mr. Anderson was the only man that showed you within what radius to cut? A. Yes, with the exception of the surveyors; The surveyors was in there, and they were there at the time that I first went in.

Q. And did they show you where to cut? A. Yes; they did.

Q. Who were they? A. Well, sir, I couldn't tell you their names.

Q. I thought you said that Moynehan had no surveyors in there? A. It wasn't Moynehan; it was Turner; Turner was the man that had the surveyors in there; it wasn't Moynehan—he didn't have them; but I can not tell their names; Turner & Watkins was the men that had the surveyors in there.

By Chairman WILDS:

Q. Was Orson P. Morse there? A. No, sir; I know Orson P. Morse well.

Q. Was it Daniel Lynch? A. No, sir; it was no one from this country; it was off from out in Potsdam; it might be that Mr. Moynehan could tell who they were; I couldn't tell you; but you can call him right in here and see; he might tell you who they were, for I can not tell their names; I don't remember.

Q. What point did you start from when you went up there to locate your line? A. They showed me the place that the lots was and where they was, and I went to work and built a shanty and went to work right there; and after I had got to work the surveyors came in there and showed the points where I wanted to work to such and such lines, and I worked to them; that was all; now, Mr. Moynehan can tell you who those surveyors was, but I can not.

By Mr. TEN EYCK:

Q. So that when you went in there you didn't know just exactly where you were cutting? A. No; I did not.

Q. And you took your instructions entirely from Anderson? A. No; I did not take my instructions from Anderson; I took them from these surveyors.

Q. But when you went in there you were instructed not to cut on to State lands? A. Yes, sir.

By Chairman WILDS:

Q. By whom? A. Moynehan told me and so did Anderson; he said there was some State lands and some belonged to George Underwood.

By Mr. TEN EYCK:

Q. And Anderson only told you to cut upon the lands owned by Turner and who? A. Turner & Watkins; he said that he thought they were the lines, and then afterwards the surveyers came in there and surveyed it.

Q. And they surveyed out the lands which belonged to Turner & Watkins? A. Yes, sir.

Q. And they told you that those were the lands that belonged to Turner & Watkins? A. Yes.

By Mr. ELDRIDGE:

Q. Had you cut any before the surveyors came in? A. I guess I had.

By Chairman WILDS:

Q. How much? A. I couldn't say.

By Mr. TEN EYCK:

Q. Was all your cutting done there, as you understand it, upon State lands? A. Well, according as to what you claim these lots belong on State lands.

Q. Well, do you know whether these were the lots that you cut on or not? A. I do not.

By Chairman WILDS:

Q. You have already stated that you did know these were the lots? A. I said that was the lot on this side of the creek just so far.

By Mr. TEN EYCK:

Q. Was all the timber that you cut on Moose creek? A. Yes, all the timber that I cut was on Moose creek, what is called Moose; I don't know whether it was Moose creek or not.

By Chairman WILDS:

Q. Was it on both sides? A. Yes, sir; but more on one side than on the other.

Q. How far on each side? A. Well, there wasn't but a little ways; there was a little ways on one side and quite a little ways on the other.

Q. But a little ways on the east side? A. Yes.

Q. And on the west side? A. On the west side there was quite a ways back.

Q. How far back did it extend, a mile? A. No; no, I don't think it did; (after looking at a map) Moose river runs north into Cold river.

Q. How far from the lake does Moose creek run into Cold river? A. From the lake or pond?

Q. This big lake, what is the name of that? A. I don't know the name of that; it is about three miles from Moose pond to Moose river or to Cold river.

Q. You don't know the name of that big lake there? A. I do not.

Q. Have you ever been in there?

Chairman WILDS — It is Long lake.

A. If it is Long lake, I have never been there but once and that was in the night.

By Mr. TEN Eyck :

Q. Well, how far from Long lake, or the lake designated on this map does this Moose creek or river that you speak of enter into Cold river? A. That I couldn't answer at all; I want to answer to anything that I know, but I don't know that at all; they claim that it wasn't a great ways from Cold river to Long lake, but I never was down there, never happened to be there.

By Chairman WILDS :

Q. Moose creek enters Cold river only a short distance from where your timber was cut? A. Only a little ways.

Q. That is where one end of your cutting was done? A. One end; I went right on the east side of the creek.

Q. And did you commence at the north end and work south? A. Yes, sir.

By Mr. NILES :

Q. If Mr. Baker paid you by the month, why did it make any difference to you as to whether the measurement was correct or not on the logs? A. It didn't make any difference to me at all, but I thought that he didn't get what belonged to him.

By Mr. TEN Eyck :

Q. You thought Mr. Baker didn't get what belonged to him? A. I thought Mr. Baker didn't get what belonged to him; not me, not at all.
Recess until 2 o'clock.

AFTERNOON SESSION, 2:30 P. M.

ALONZO DAVIS, being duly sworn, testified as follows :

Examined by Chairman WILDS :

Q. What is your name, age and business and place of residence? A. My name is Alonzo Davis; 40 years this last August, 12th day of August, to the best of my judgment; that is what my parents told me; my business is farming, surveying and lumbering; I live in the town of Johnsburgh, county of Warren and State of New York.

Q. How long have you resided there? A. For forty years.

Q. I thought you were a surveyor? A. Didn't I state that my business was farming, surveying and lumbering; that would include the whole, wouldn't it?

Q. How long have you been a surveyor? A. I have been a surveyor for twenty years—for nineteen years.

Q. Are you well acquainted with the lots in township 11, Totten & Crossfield purchase? A. To some extent.

Q. And the land adjoining that township? A. Yes, to the extent that I be of the township.

Q. Don't you know the lines and boundaries of the lots in township 11, Totten & Crossfield purchase? A. I know the supposed lines.

Q. Supposed by whom? A. Supposed by the authorities at the present time; that is, there are disputes in regard to the lines, and I don't pretend to know positively which parties are correct.

Q. Well, which lines do you know? A. I know pretty much all in township 11.

Q. The lines as claimed by the State, as laid down upon the State maps? A. I know the lines claimed by the State maps and also by other maps; they don't agree, understand; the State map does not agree with other maps.

Q. Are you familiar with the survey of the Totten & Crossfield purchase, the official survey? A. I don't understand as there is any legal official survey established.

Q. You then are to be understood as saying that you have no knowledge of any authorized or legal survey or map of the Totten & Crossfield purchase; is that it? A. No, no, I don't wish to be understood in that way; I don't wish you to understand that I have no knowledge of any authorized survey.

Q. How do you wish to be understood? A. I wish to be understood that there is a survey now in the field and it is not established by the State, authorized by the State, by Verplanck Colvin, and the surveys are not permanently established by him to-day, authorized by the Legislature, you understand.

Q. Now don't you know that as a matter of fact the Totten & Crossfield purchase was surveyed many years ago and is well located and is well-known? A. I understand it was surveyed many years ago, and it is located, and it has been resurveyed, and the fact is that it has been resurveyed, and not all the time corresponding with the original, and there is a question of dispute to this day in regard to the establishment of the lines.

Q. Of what? A. Of the Totten & Crossfield purchase in some parts.

Q. Where is there any dispute in regard to the location of the Totten & Crossfield patent? A. In many places.

Q. State such dispute as you know of and the place thereof? A. There is no established line on the—

Q. Will you answer that question? A. I said there was no decision in regard to the establishment; that is what I said—there was no decision.

Q. State what dispute, if any, that you know of in regard to the location of the Totten & Crossfield patent? A. I said there was no decision in the latest survey, in regard to the lines of the Totten & Crossfield patent, and therefore I am not qualified to answer; according to the last act of the Legislature in regard to the last decisions, it should be decided, as I understand, by the Colvin survey, and there is no decision, as I understand, where the lines should be.

Q. Now, what survey do you go by when you survey and locate lots? A. I go by the lines that I establish as the original lines; that is, the oldest survey that I can find.

Q. And what survey is that? A. The oldest survey that I can find is 1772.

Q. Well, don't you know that that survey did not cover the whole of the Totten & Crossfield patent? A. Yes.

Q. How much of the Totten & Crossfield patent did that cover? A. I am not prepared to answer, and I am not fully informed in regard to that question.

Q. Now in regard to township 11, Totten & Crossfield patent, by what survey are you guided in any surveying business which you may have undertaken in reference to any lots within that township? A. By two different surveys.

Q. State what they are? A. But the date I can not give, but one is the original allotment, which makes 300 acres in a lot; others is another suballotment, which makes 50 acres in the northwest part, or, rather, the northeast corner, 50-acre lots, a subdivision; and I am guided mostly by a survey which I can locate and the date that I am given by deeds referring to them surveys, making them lots surveyed by a different man at a later date.

Q. Well, do you know the location of the gore south of township 11? A. I do very near—that is, as it is now located, and probably is permanent.

Q. Do you know the location of lots 1 and 2 of that gore? A. Yes, sir; I am quite confident.

Q. Have you ever been on those lots? A. I have.

Q. Over the larger portion of the same? A. I have been over the largest portion of the same.

Q. When were you there? A. Well, I can not give the exact date, but it was some time last fall, after snow came, and I am not prepared to give you the exact date.

Q. In the fall of 1894? A. Fall of 1894.

Q. What did you find there was the condition in respect to the timber cut therefrom? A. I found that lot 1 was lumbered over.

Q. All over? A. All over; and a portion of lot 2; I could give you the exact date by referring to memoranda, but I haven't got them with me, and it is probably not necessary to get them, because I am very well familiar with those lots, and know in regard to the lots very closely.

Q. What was the character of the timber that stood upon those lots? A. Well, it was very good timber for the second cut; that is, some years ago the timber was mainly cut, most all, and what was not cut died, but there was a good, fair cut of timber on the lots; a small estimation would be a thousand markets to the lot; that is a small estimation.

Q. And at the time you were there you made an estimate of the quantity of timber that appeared from the stumps to have been cut from lot No. 1, as I understand you? A. From the several different times that I was there, I would say, or from different times that I was there; I don't wish to state that I made the estimate from one lone time, but from different times that I was on the lot.

Q. During the fall of 1894? A. No, not during that fall; some during the fall before, 1893.

Q. And as I understand, you estimate that there were cut at least 1,000 market logs from lot No. 1 of the gore south of township 11? A. Yes, to the best of my judgment there were a thousand market logs cut from lot No. 1.

Q. And from lot No. 2 there were cut and taken away— A. Now, that is an estimation; I should judge one-third of the amount; that is, there is 160 acres in the lot, I suppose, and there is about one-third of the amount of what there would be on the other.

Q. At least 350 market logs? A. Well, let me look at the map and see (shows witness map); I stated about one-third of the amount that was estimated on the other.

Q. Three hundred and thirty market logs, then? A. Say at least 300.

Q. You traveled over those lots pretty thoroughly and you know the character and the condition of the timber cutting? A. I traveled over quite a portion of those lots and know about the territory.

Q. Those lots were cut over at what time? A. Well, if I was to home I could give you the exact date, and I think it was 1893—1892.

Q. During the 'winters of 1891-1892 and 1892-1893? A. I think it was during 1891-1892.

Q. And 1892-1893; those two winters, you know; the winter extends over portions of each of those years? A. I am not positive, but it was within 1891 and 1893; I am not positive without my records to show exactly, as I lumbered on the lots adjoining those lots and know exactly from my records, but I ain't positive; I couldn't swear positive, you know, to the date.

Q. And that timber was cut and taken away from those lots 1 and 2 of the gore, south of township 11, by whom? A. By Mr. Baldwin; I think they call him Philander Baldwin.

Q. Of Glens Falls? A. Of Glens Falls; that is the man any way; it is Mr. Baldwin of Glens Falls; they call him by that name anyway; they call him "Flan" Baldwin of Glens Falls; Philander I think his name was; Philander Baldwin of Glens Falls, he was the man.

Q. And there was a clean cut of all the timber of every kind as far as you could see, as far as you traveled over those lots? A. No, I didn't say a clean cut of all the timber—all the soft wood timber; the hard wood timber was not cut, such as maple and beech; it was spruce timber was cut, and ash and balsam; if I stated that, I misstated what I meant; I didn't mean hard wood timber; there is no clean cut of any timber in this country.

Q. Then the soft timber had all been cut out and taken away? A. Soft timber, such as spruce, balsam and ash.

Q. That had all been cut and taken away? A. That had all been cut; such as was marketable was cut off from 1, not off from 2.

Q. But off from 2 to the extent of at least 300 market logs? A. About one-third of the lot.

Q. Lot No. 2 is larger than lot No. 1, as you probably well know? A. I am not entirely satisfied that it is.

Q. Well, if you will examine the map it is evident that it is so? A. I have, and I have surveyed it also, and I am inclined to think that lot No. 1 is very near as large, if not quite.

Q. Do you remember also visiting the 500-acre lot of the Russell tract in township 29? A. Yes, sir.

Q. When was that? A. Well, that was some time last fall.

Q. In December, 1894? A. Well, to the best of my judgment it was in December, but I wouldn't swear positively it was in December, but it was some time after snow fell last fall.

Q. What did you find there? A. Well, I found that the timber had been cut on quite a proportion of the lot and there was logs skidded already on the lot and had not been removed; say, now, before you take that—you said in lot 5 in the 29th township.

Q. No, I didn't either; I said the 500-acre lot? A. The 500-acre lot in the 29th township?

Q. Yes, the same being State land? A. Well, I supposed—now I have no positive proof it is State land.

Q. How is the 500-acre lot to which you now refer bounded? A. It is bounded on the north—well, I don't wish to state.

Q. Is it bounded on the north by Hopkins? A. On the north by Hopkins' lot.

Q. On the east by the township line? A. On the east by the township line, and on the south by G. R. Morgan's lot, and on the west, I think, by the Morgan Lumber Company's line; I don't know what the description is.

Q. As I understand, wherever there were trees of soft wood on those lots, they have been cut and piled on that lot? A. Well, in the largest portion of the lot—I didn't go at that time over the most

westerly end of the lot ; I didn't go over the most westerly end of the lot, but as far as I traveled, the timber had been cut, and there were logs skidded and piled on the lot at that time.

Q. Did you find any mark on the logs? A. I found a mark on the long, but I couldn't give you positive proof what the mark was unless I saw it.

Q. Well, do you know the Morgan Lumber Company's mark? A. I know it was the Morgan Lumber Company's mark on the logs.

Q. It was the Morgan Lumber Company's mark? A. At least the same mark that they put on the logs that I have put in for them; that is all the evidence I have to prove it was the Morgan Lumber Company's mark, because it was the same mark that was put on logs that I have handled for the same company; that is all the evidence I could give as to the mark, it being their mark.

Q. How many acres of that lot should you estimate to have been cut over? A. Well, as I didn't give a permanent survey of the lot, I shouldn't hardly wish to give the exact number of acres in the lot.

Q. You are understood to have already reported that the whole lot was cut over? A. No, I have not.

Q. You are understood to have already reported or furnished your estimate, as to the quantity of market logs cut, and taken or found piled upon that lot? A. No, sir.

Q. And what is that estimate? A. I don't think I have.

Q. It has been so testified by Daniel Lynch. A. That I estimated the number.

Q. And furnished the same to him? A. Then if that is the case, I wish you would produce any evidence to show that I have testified to that, if I have.

Q. Do you deny having furnished to Mr. Lynch an estimate of the number of market logs cut from that 500-acre lot? A. I would like to have it produced.

Q. That is not the question, and you are here to testify yourself upon this matter? A. I think I made a statement there wasn't less

than 500 market logs; I think I made that statement; but I didn't make that estimate; yes, I am willing to say that I did not make an estimate as to the amount of logs cut on that lot; I only made an estimate of what logs that I saw cut on the lot, and I estimated the logs that I saw cut, and it is about 500 markets, I think, but I am not positive it is that.

Q. The 500 markets was the number that you found piled on the lot? A. Certainly, certainly, if that was my estimate; I ain't positive that that was my estimate; it has been some little time; and as I don't profess to keep all these records strictly in my mind, as I keep them in books, I am not positive that that is my estimate, but I should judge that that is my estimate and to my memory at this time.

Q. By whom was that cutting done? A. I have no evidence to prove who it was cut by.

Q. Have you any information on that subject? A. I think I have.

Q. Please give it? A. I was informed by Mr. McClosky that it was cut by Mr. Harrington, of Horicon.

Q. Do you know for whom that cutting was done? A. I know only just by the mark on the logs.

Q. Did you ever hear of Knapp and Faxon ever having anything to do with the cutting of timber from that lot? A. I did not; now I may be misinformed in regard to the lot that you are representing; the 500-acre lot, as I suppose, is just as you described as being bounded on one side by the Hopkins lot; if that is the lot that you refer to, that is correct; there is another lot that you appear to be referring to that is not the same number.

Q. I am referring to the 500-acre lot of State land in the gore south of township 11? A. You didn't say "in the gore south;" you said "in the 29th township."

Q. In the 29th township? A. And being bounded on the north by the Hopkins lot, and in the Russell tract.

Q. Yes; and I call your attention now to the lot itself. (Shows witness map.) A. Very well, I understand that lot, but I reckon that the reference you have taken was this lot here; I didn't know but you were referring to that lot.

Q. Do you know that that lot, to which I now point on this map, is the 352-acre lot of the Russell tract? A. I don't positively.

Q. Were you ever upon it? A. Yes; I don't know the amount of land it contains.

Q. How is that lot commonly designated? A. I am not positive in regard to that question; I know about where the lot lays; but how it is designated and on that part, I couldn't say positively.

Q. Were you ever upon that lot? A. I have been.

Q. When? A. I have been there several different times; I couldn't state.

Q. Tell the last time that you were there? A. Well, I couldn't say, but I think it was in 1893, to the best of my judgment it was about in 1893, in the fall of 1893; I am not positive in regard to that; I could tell you positively, because I have got books to show the date when I was there, because I had business there, but the date I am not prepared to answer, but I know it was not far from 1893, from the fall of 1893.

Q. What were you there for? A. I was lumbering in very close vicinity and crossed the lot on business; have you dropped this on the other lot?

Q. Got what? A. I say, have you dropped that in regard to the other one?

Q. Well, what further have you to say in regard to the 500-acre lot? A. I haven't anything, only I don't know whether you have got through with that so as to commence on another.

Q. Daniel Lynch has stated that by the estimate which you furnished to him, the number of markets cut from that 500-acre lot althogther and including that which remained upon the lot, was not less than

2,500 markets; what have you to say to that? A. That was cut off from the 500-acre lot, not less than 500 markets?

Q. That there were at least 2,500 markets that had been cut from that lot, of which perhaps 500 markets remained piled upon the lot?

A. Well, to the best of my judgment that is correct; that is only an estimate, not a positive fact that there is that number of markets; it is only just an estimate, but to the best of my judgment that is correct.

Q. And you did at that time use care in that estimate on that subject? A. Yes, sir.

Q. Do you know whether the timber which you saw piled upon that lot, to the extent of 500 market logs, has been removed therefrom? A. I do not.

Q. Have you been upon that lot since December of 1894? A. I haven't been on the lot since the time that I was in there with Daniel Lynch; I couldn't give you the exact date, not now.

Q. Did you go upon that lot in company with any one else besides Daniel Lynch? A. On the 500-acre lot?

Q. Yes. A. Think I went on to the lot very slightly.

Stenographer reads question.

A. I said, I think, that I did very slightly.

Q. Don't you understand what it is to have a man accompany you; did any one go with you besides Daniel Lynch? A. Oh, at that time; excuse me; I misunderstood the question, I thought you meant if I went at any other time; Daniel Lynch, yes; I couldn't state positively who did go with me at that time, but I think Mr. George L. Bouton.

Q. Any one else? A. And my father; but I am not positive of that; I am quite positive they did too, but I couldn't state who the company was; Mr. Bouton, I think, and my father, Nathan Davis.

Q. Now did you go with your father upon the 352-acre lot of that tract? A. I did not; that is, now you mean that lot—

Q. The lot south of the 500-acre lot? A. I did not; I didn't go upon that tract at that time.

Q. Have you at any time examined any other lots where trespass had been made upon State lands? A. I have examined lots that I supposed to be a trespass made upon State lands.

Q. Where and when? A. Well, as I have heretofore testified, lot 1 and 2—

Q. I don't mean to include lots 1 and 2; I mean other than those to which you have here testified? A. And I am not positive to the other numbers, but there is 32, 33—well, I cannot give the number exactly.

Q. Well, let me call your attention to township 11, lots 15, 16, 17, 32 and 34? A. Just hold on a minute; (looks at map) I am better posted on maps than I am on statements in regard to maps; I would like to testify in regard to maps that I know; I am somewhat acquainted with 13, 14, 15, 16, 17 and 18; now as the maps give it of 61, 62, 63, 64, 60 and 59, 58—

Q. Where are the lots you are referring to? These lots here; and also of 13 and 14.

Q. And 32, 33 and 34, those lots along there? A. Thirty-two, yes; I am slightly acquainted with them lots, but I am not very positive; there is a question of dispute in regard to lines in that locality.

Q. Where is the dispute and with whom or by whom? A. Well, by, I guess, all the authorities there be; there has nobody agreed.

Q. We have already had testimony from your father in reference to those lots without any indication of any dispute or any trouble in the location of those lines? A. Well, there is a question that I am not prepared to answer, and that is in this respect; there is a claim by one map at least, recorded in Albany, that the west tier of lots in township No. 11, Totten & Crossfield purchase, is 150 acres of land.

Q. We have nothing to do with that, and I haven't called your attention to any lots in the west tier. A. I think you have.

Q I have called your attention to— I asked you if you have been upon lots 15, 16, 17, 32 and 34 of township 11, Totten & Crossfield purchase? A. That was not the question.

Q. That is the question I put to you before? A. No.

Stenographer reads question.

A. Yes, sir; I can state that according to maps as they now be, that I would have crossed the line dividing those lots.

Q. When and in whose company? A. Some time last fall, 1894, in company with Daniel Lynch, Mr. Bouton and father.

Q. And what did you find there? A. I found the timber was cut on this as far as I went.

Q. And as far as you could see? A. As far as I could see.

Q. Did you go across any of those lots? A. I did.

Q. Which of those lots? A. Well, to the best of my judgment it was 32.

Q. Didn't you also examine 34? A. I went across 34, a small portion of it.

Q. What did you find with respect to the timber? A. All the timber as far as I went was cut, that is, the marketable timber; you understand my evidence now; there is no mistake about that; this means marketable timber, such as is used for river logs, spruce and balsam; when I make this statement I don't mean hard wood timber or basswood, but nothing but just spruce, balsam and white ash and cherry; I don't wish you to misunderstand me.

Q. Now those lots, 15, 16, 17, 32 and 34, each contain 300 acres, I believe, do they not? A. Yes, sir; according to all the maps that I ever received, they are.

Q. And those lots were cut over entirely? A. Well, that question I ain't positive; that investigation was not made by me.

Q. Well, as far as you examined those lots? A. As far as I examined they were.

Q. And you examined upon the parts which were not examined by your father? A. I don't presume to say that I did.

Q. Do you remember having made any estimate of the number of markets removed from those lots? A. I never made any permanent estimation, I don't think; if I did it was just privately.

Q. And what was your estimate? A. I told you that I didn't remember as I did; and if I did, it was private and there was nothing permanent in regard to the estimate; I don't think that you can find that I made any permanent estimate in regard to the number of markets.

Q. By whom was that timber cut? A. I don't think that you could use me in evidence in regard to that, as there is other men that can swear; Mr. Cooper—George Cooper and Douglas Morehouse lumbered a portion.

Q. For whom? A. J. J. Wakeley.

Q. Do you know who else was engaged in lumbering on those lots for J. J. Wakeley? A. I am not positive, but I have been informed; I am not positive, anyway.

Q. Do you remember also having been upon the gore south of township 31, lots 10 and 11? A. Yes, sir.

Q. And what did you there find? A. Lots 10 and 11, as far as I went on the line, the timber was all cut.

Q. And do you remember having made examination of lots 10 and 11? A. Made an examination; no, sir.

Q. What did you go there for? A. I merely crossed 10 and 11 to go on to the 500-acre lot.

By Mr. WAGSTAFF:

Q. And in crossing the lot you saw all the timber had been cut, all the soft wood? A. I saw on the line that I went on; I went on the line between another lot, to locate the 500-acre lot, understand, for another party; I was not employed by the State; I went in there to locate a lot that lay between the 500-acre lot and the gore there, and was running through to find the corner; and in running through to

find the corner I found the timber was cut on both sides of the line; that was all there was of it.

ANDREW W. SMITH, being duly sworn, testified as follows :

Examined by Chairman WILDS :

Q. What is your name, age, residence and business? A. Andrew W. Smith, 52 years old, am a farmer by occupation, at present; residence, Johnsburgh.

Q. How long have you lived there? A. Thirteen years.

Q. Have you, during the last few years, become aware of the cutting and taking of timber from State lands? A. I have been so informed.

Q. Can you locate the lands by reference to the map? A. Well, yes; what lands I have been informed on.

Q. What is your information on that subject? A. Men engaged as hired men, employed by lumbermen, have told me that they were getting out timber on lots that had been advertised and sold as State lands, and a map of my own that I consulted; I would see the lots advertised in the papers for sale, and I would locate them on my map, and would say, "that lot is owned by the State," and they would say, "there is where we are cutting;" I was requested to bring whatever documents that I had, and that is the map on which I based my information. (Produces map, Totten & Crossfield patent.)

Q. Upon what lots have you knowledge or information of trespass committed? A. On township 29, township 11, township 13, Totten & Crossfield patent.

Q. Upon what lots? A. Well, the first information I received was upon the Russell tract, No. 1, 29th township, containing 3717 acres, that I intended to purchase.

Q. Have you knowledge or information of trespass committed upon the 500-acre lot of the Russell tract, 29th township? A. I can not answer that question intelligently, for I can not locate the 500-acre lot,

though there was a lot advertised by the Comptroller that I looked over, and communicated with the Comptroller, and they said at the Comptroller's office—they said it could not be sold; said lot was being then cut by parties, and I could not specify the number.

Q. By whom was that trespass being committed? A. Mr. Bolton was the jobber.

Q. What is his first name? A. Thomas Bolton, I think it is.

By Mr. TEN EYCK:

Q. Did you know he was committing trespass? A. Did he?

Q. Did you? A. I believed he was—I couldn't say that I knew.

By Chairman WILDS:

Q. Do you know of any other lots upon which trespass has been committed? A. I inferred that there was on lots 34, 33, 32, 17, 16, 15, and part of 14, of the 11th township.

Q. From what is your inference derived? A. The said lots were advertised by the State and sold by the State through the Comptroller's office.

Q. When? A. The year previous, and again advertised the year after.

Q. Were they ever sold? A. They were advertised in the papers this last year; the limitation of time for redemption was set down, I think, the 25th day of December, after which they were to be considered State property and no redemption; I think that was about the date of them.

Q. Twenty-fifth of December, 1894? A. Eighteen hundred and ninety-four.

By Mr. TEN EYCK:

Q. And were these lots, that you have mentioned, among the lots that were so advertised? A. Yes.

By Chairman WILDS:

Q. And what was the advertisement, for the sale of lots or the timber? A. The land.

Q. And have you since learned that those lots were not sold by the State? A. I took it for granted that the State was the owner of said lots now.

Q. By whom was the trespass there committed and when? A. That I couldn't tell you; the parties I don't know; I informed the fire warden of the fact, and he said he would attend to it.

Q. What was his name? A. Mr. Armstrong.

Q. Wasn't he in the office of forest inspector? A. Inspector, yes.

Q. Not fire warden? A. Inspector, yes; that was the office.

Q. And what did he say? A. That he would attend to it.

Q. Is that all he communicated to you? A. No, sir.

Q. What further did he say? A. That he would look the thing over, and afterwards told me that he did look it over; again afterwards told me that he took Mr. Fox, I think the name was, and looked the whole territory over, and he thought there had been some depredations committed.

Q. Did he ever inform you that Thomas Powers should attend to that matter? A. Yes, sir; he did.

Q. What did he say about it? A. That Mr. Powers was the man designated to look after that, the first time I spoke to him.

Q. What further? A. That is all that time; then told me afterwards that he looked them over with Mr. Fox.

By Mr. TEN Eyck:

Q. Did you ever notify Mr. Powers? A. I certainly never did.

By Chairman WILDS:

Q. Did he afterwards inform you that Mr. Powers was to blame for the trespass? A. I have that in my mind; I think that he did,

although I couldn't swear positively to it under these circumstances, but I think that he did.

Q. Have you knowledge or information of any other trespass on State lands? A. I have not that I know of.

By Mr. TEN EYCK:

Q. What did I understand you to say, that Mr. Armstrong told you that Mr. Powers was to blame for the trespass? A. Was to blame for not looking after it.

Q. But he didn't say that he was to blame for the trespass? A. Not for the trespass, no, sir; but that it was his duty to look after it; I didn't want to be misunderstood.

Q. What map is that you refer to in giving your numbers? A. It is a map that was made by William H. Sanger.

Q. You spoke of No. 1, Russell tract there; is that the way it is put down on your map? A. Yes, sir.

Q. Do you know whether that is the same Russell tract; how many acres does that give as lot 1, Russell tract? A. Three thousand odd acres.

HARRY RICHARDS, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your name, age, residence and business? A. Harry Richards is my name, and Johnsburgh I live, and I am keeping store at the present time, and I am 47.

Q. How long have you lived in Johnsburgh? A. All my life.

Q. Haven't you been engaged in the business of a surveyor? A. I have done some surveying, yes; land surveying.

Q. And are you well acquainted with State land in the Totten & Crossfield purchase? A. I can not say that I am.

Q. As embraced in Warren county? A. I can not say that I am; no, sir.

Q. Do you know T. D. Depan? A. I have seen him.

Q. Where does he live? A. Well, he formerly lived at Indian Lake; where he lives now, I don't know.

Q. Do you know John J. Wakeley? A. I do.

Q. Do you know where the Stone lot in township 11 is? A. Yes, sir.

Q. Where is it; indicate it by its number? (Shows witness map.)

A. I couldn't do it by its number.

Q. By reference to the map? A. The way that is mapped with reference to the river I should say it was 34.

Q. Well, do you think the Stone lot is entirely embraced in lot 34 of township 11? A. Well, that I couldn't say.

Q. How much is the Stone lot? A. That I don't know, whether he had a full lot or not.

Q. Did you ever know of any timber being cut and taken from that lot? A. From the Stone lot?

Q. Yes. A. Yes, there was timber cut there.

Q. When and by whom? A. As I understood, by John J. Wakeley.

Q. When was that? A. I think three years ago this fall; I am not positive.

Q. What was the extent of the timber which he cut and took from that lot? A. That I couldn't tell you.

Q. From what is your information in regard to the matter derived? A. Well, really, I haven't any information generally, as you might say, at all in reference to it—the amount that was taken; I couldn't say; I don't know as I ever heard him say, or made any inquiries.

Q. Have you ever talked with John J. Wakeley with reference to his cutting timber on that lot? A. I have not; no, sir.

Q. Or with T. D. Depan? A. No, sir.

Q. What connection did Mr. Depan have with Mr. Wakeley with reference to Wakeley's job there? A. I couldn't tell you; I don't know.

Q. You never heard anything about it? A. I don't know but I might have heard something about it; I couldn't say but what I have; I couldn't call to mind particularly now what I have heard.

Q. Didn't you ever hear that Pat Moynahan was in partnership with T. D. Depan? A. Well, I think that I did understand it that way.

Q. And that they employed Wakeley to do a job on that Stone lot? A. I think that I understood so.

Q. How far back does your knowledge of that lot extend? A. Well, in what respect do you mean?

Q. In time? A. Well, several years any way; I couldn't say; I knew of the lot; Stone spoke about my surveying it for him.

Q. Well, before Wakeley did any cutting of timber on that lot, do you remember having had any conversation with Mr. Depan and Mr. Wakeley in reference to that lot? A. I do with Depan.

Q. What occurred and when was that conversation? A. Well, as I say, I think it was three years ago, before they commenced lumbering there, this Depan come to my place and asked me if I knew where the Stone lot was, and I told him I did, and he wanted to know if I knew the number of the lot, and I told him I didn't, and he wanted me to go with him and show him where the Stone lot was, and I did so as I understood it; and if my memory serves me right, I think that Wakeley was there at the time, that is, that he was in the woods—the lot—when we went in; I think we met on the road, if I remember right; I am not positive about it; I think we did.

Q. What further occurred in reference to the matter? A. Well, I went in there, as I remarked, and showed him where the Stone lot was; and we also, if I remember right, looked for some lines of the lot, but I think that he did not find any, and traveled over a portion of the lot that we thought it would be located; that was all, I think.

Q. Didn't you definitely locate then, by discovery of the marked trees, the southerly boundary of that lot. A. No, sir; I did not.

Q. What further was done in reference to that matter? A. I think, if my memory serves me right, that I asked somebody about the southerly line of that lot at that time; but whether it was Wakeley or somebody else that showed me a tree on the road that they claimed to

the line at that time, I think they did, the southerly line of that lot.

Q. Was anything further done then? A. Not that I recollect of.

Q. Was that some time before the cutting of timber was commenced?

A. I think it was before there was any cutting done; yes.

Q. I say, some time before? A. Well, some little time, I think; yes.

Q. About how long? A. Well, really I couldn't say, perhaps a month or two.

Q. Do you remember any subsequent visit to that lot? A. I was there with Pat Moynehan afterwards.

Q. During the time when John J. Wakeley was at work upon the lot cutting timber? A. Well, really I don't know whether they were cutting timber at that time or not; I think I didn't see any timber cut if they were cutting any.

Q. Was Wakeley there at the time? A. Well, he was there at that time or the time I was with Depan, but I am not sure which; whether he was when I was with Moynehan or not, I cannot say.

Q. When you went there with Moynehan, what did you do? A. Well, we hunted for lines then, and we found what we supposed to be the west line of the lot, of the Stone lot, at that time.

Q. And the southerly line? A. No, sir; nothing more than this tree out in the road, that I had been shown to be the line before.

Q. Didn't you also find the easterly boundary? A. No, sir; that westerly line I found; I traced it with my compass far enough so that I was satisfied that it was a surveyor's line.

Q. Don't you remember that the eastern line consisted of a line of marked trees, commonly known as a surveyor's line? A. No, sir; I don't; I didn't locate any at that time, or any other time, only the westerly line.

Q. The westerly line? A. What I supposed to be the western line.

Q. And that was located by a line of marked trees? A. A line of marked trees, yes.

Q. Did you follow the line the full length of the lot? A. No, sir.

Q. How far did you follow it? A. Oh, perhaps a quarter of a mile, may be.

Q. Did you in any way indicate the length of the lot? A. No, sir.

Q. Or did Moynehan? A. No, sir.

Q. Did you try to locate the easterly boundary or the northerly boundary? A. I think not at that time.

Q. Did you do anything to mark the lines of the lot so that the choppers would not cut over the lines? A. Nothing unless it might have been this one line that I found; whether they marked that or not, I am not sure; perhaps they might.

Q. And do you understand that the cutting of timber was commenced by Wakeley soon after this visit of yours in Moynehan's company? A. Yes, it was, as I understand it; same fall, I think.

Q. That lot consisted of 300 acres? A. As I supposed.

Q. Do you know whether any work was then going on upon that lot? A. I wouldn't say whether there was or not.

Q. When was this that your two visits occurred—in what year? A. Well, I think it was three years ago.

Q. Eighteen hundred and ninety-two? A. I think so.

Q. Your two visits were about a month apart? A. Well, if my memory serves me now, I would say so, somewhere in that neighborhood; still I wouldn't be sure about that.

Q. Did you visit the lot subsequently? A. No, sir.

Q. You have no knowledge of what timber was taken from that lot? A. No.

Q. Have you any information thereof? A. I have not; no.

Q. Do you know who worked upon the job for Wakeley? A. No, only as I might have heard people tell, that is all; I wasn't there; I don't know anything of my personal knowledge.

Q. Do you know that that lot is State land and was State land at the time of your visit there with Depan and Moynehan? A. No, sir; I didn't know it.

Q. You understand that to be the fact at this time? A. I don't know anything about it.

Q. Was anything said at any time in the presence of Moynehan or Depan or Wakeley by any one in reference to that land being State land? A. Not in my presence; no, sir.

Q. Have you knowledge or information of any trespass on any other State land? A. I don't know that I have.

Q. Is it not a matter of common report that trespasses upon State lands are common in this neighborhood? A. No, they are not common.

Q. Is it not a matter of common knowledge that trespasses have been extensive upon State lands? A. Well, not to my knowledge; no, sir.

Q. Have you not information of that fact? A. I have not.

Q. You have never heard that that was the case? A. "Extensive;" no, sir; I have not.

Q. Well, I will not confine my inquiry to this immediate locality, but isn't that the fact in reference to State lands in townships 11, 92, 14, 13, 26, and other townships, in the Totten & Crossfield purchase? A. Well, I have heard reports of there being trespasses; yes, sir, as far as that is concerned.

Q. And such reports are common? A. Well, not on an extensive scale, I don't think they are, to my knowledge.

Q. Then you have no belief in any extensive trespasses having been committed on State lands anywhere within the Totten & Crossfield purchase? A. I don't know of any.

Q. My inquiry is as to your having any belief? A. Not on an extensive scale; no, sir.

Q. Do you think such trespasses are numerous, or have been numerous? A. I can not say that they have to my knowledge; I have heard of some trespasses, reports of them, but nothing extensive that I have heard of; the fact is that the State's land is not located so that even myself as a surveyer knows, generally speaking, when we come to a State lot or do not; I have not been informed, so that I am able to know.

By Mr. NILES:

Q. Do you know whether the lines of that lot were ever run by any one? A. This Stone lot?

Q. Yes. A. Not to know it, I don't; I supposed they were originally run, of course; but as to know it, I don't, because I never traced it only as I found that one line of that lot.

Q. Do you know whether they were ever run for Mr. Moynehan or Wakeley or Depan? A. No.

Q. Did you ever see any evidence of their having been recently run?
A. I didn't find any but this one line, old or new, that I called a surveyor's line.

Q. Is it possible for a jobber to have kept within the boundaries of that lot without rerunning those lines? A. I should think not; I shouldn't think he could; I don't think it would be possible.

Q. At the time of your last conversation with Mr. Moynehan, did you understand that you were to be employed to run those lines at some subsequent date? A. Either Moynehan or Wakeley or Depan or some one, some of the three, spoke about having me in there again to look up the lots in better fashion; they talked of having me do it.

By Mr. TEN Eyck:

Q. What was your object in going there with Moynehan and Depan at the different times? A. Simply to earn wages as a surveyor; they asked me to show them the Stone lot, and I did so; and they asked me if I knew the number of the lot, and I told them I did not.

Q. Did they tell you that they owned the lot and had a contract to cut the lumber from it? A. I don't remember that they did.

Q. And that is all you went there to show them was just the lines of the Stone lot? A. I went to show them the Stone lot as I understood it; there is a clearing on it, so that everybody in that vicinity knows what is called the Stone lot.

By Chairman WILDS:

Q. Calling your attention to township 14, Totten & Crossfield purchase, and the southwestern quarter thereof, have you ever made any examination of the same? A. I have done some surveying on there.

Q. On what lots? A. On the southwesterly quarter; yes, I have done some surveying on it.

Q. Do you know of the same being State lands? A. No; I do not; I do not know which is State lands and which are not.

Q. According to this map, issued by the Forest Commissioners of this State, it would appear that the southwest quarter of township 16 is chiefly State land. (Shows witness map.) A. I was called there two years ago by — I couldn't say now — some of these farmers up here to locate some particular lot for him with reference to the land sale; didn't they have a land sale of the State lands two or three years ago?

Q. I don't know. A. It seems that he so understood it, any way, and I was called there to locate some particular lot for him, and I went

and done it to the best of my ability, but I couldn't give you the number of that lot now; perhaps I can call it to mind by looking. (Looks at map.)

CHARLES DUNKLEY, being duly sworn, testified as follows :

Examined by Chairman WILDS :

Q. State your name, age, residence and occupation? A. My name is Charles Dunkley; I work out for a living; 20 years old; live at Baker's Mills.

Q. Do you remember in the winter of 1893-1894 having worked on a job for John J. Wakeley? A. Yes; I couldn't swear what year it was, but I worked on a job there.

Q. Down on the Sacondaga river? A. Yes, sir.

Q. Describe the location of your job there as near as you can? A. Well, I will, as near as I can; it was on the river down there, and across the river, and then up what they call Diamond Mountain brook there; there was some over that way, and then there was some across Diamond mountain, on the opposite side.

Q. Can you, by reference to the map, indicate the numbers of the lots? A. No, sir; I could not.

Q. This is township 11 to which I direct your attention. (shows witness map); there is the east branch of the Sacondaga river, and here are various streams flowing into it from the east side. A. Well, I don't know much about the map.

Q. Who were working with you upon that job? A. Oh, I couldn't say all that worked there; I couldn't remember their names; there was Melanchthon Dunkley —

Q. Your brother? A. Yes, sir; Tom Keyes, Daniel Byan.

Q. Jesse Wells? A. Yes, sir.

Q. Douglas Morehouse? A. No, not as I know of; he didn't work on that job.

Q. Was the job on which you were working taken directly from John J. Wakeley? A. Yes, I was working for John J. Wakeley.

Q. How much timber did you cut and take out? A. I couldn't say.

Q. Have you no means of refreshing your recollection? A. No, I have not; I just went there and worked by the month.

Q. How long were you there at work? A. Well, I couldn't say.

Q. Would you say that that job on which you worked was situated on both sides of the Sacondaga river, northerly, easterly and westerly from the Sawyer clearing, and extending about one and one-half miles easterly from said river, up Diamond Mountain brook? A

I couldn't say ; I know I skidded and chopped on both sides of the river and on the Diamond mountain ; I couldn't say how far up we were.

By Mr. NILES :

Q. Do you know how much ground you covered there ? A. No, sir.

Q. Couldn't you give any idea of it ? A. No, I could not.

By Mr. WAGSTAFF :

Q. Did you work there for a week ? A. Yes.

Q. Did you work there three weeks ? A. Yes, sir.

Q. Did you work there five weeks ? A. I couldn't say for certain.

Q. Did you work there four weeks ? A. Yes, I worked there four weeks.

Q. You worked at least a month there ? A. Yes.

By Chairman WILDS :

Q. Was this in the winter of 1893 ? A. It was in the fall, about this time.

Q. Eighteen hundred and ninety-three or 1894 ? A. I couldn't say.

By Mr. TEN EYCK :

Q. You didn't pay much attention to anything except chopping the trees and skidding ? A. That is all ; I went right in and worked ; I didn't pay much attention.

By Chairman WILDS :

Q. From whom did you receive your orders ? A. From Tom Keyes ; he gave me my time ; he was bossing for Wakeley.

Q. Was Wakeley there any of the time ? A. Not much of the time.

Q. How many men were there in the same lot of men that were working with you for Wakeley ? A. I couldn't say ; I was chopping part of the time and skidding.

Q. Did you ever hear that that was State land on which you were working ? A. No, I never did.

STEVEN A. DOUGLAS MOREHOUSE, being duly sworn, testified as follows :

Examined by Chairman WILDS :

Q. What is your full name, age, residence and business ? A. My name is Steven A. Douglas Morehouse ; my age is 34 ; and I am lumberman and farmer ; residence, Johnsburgh.

Q. And are you commonly known by the name Douglas Morehouse?
A. My name, as commonly known by everybody, is D. Morehouse, but you asked my full name.

Q. Well, you are the same and the only Douglas Morehouse in this neighborhood? A. Well, now, I couldn't say for certain.

Q. Have you ever had knowledge of any other? A. I think I have, but I wouldn't say positively.

Q. Did you ever work for John J. Wakeley down in the 11th township, Totten & Crossfield purchase? A. Yes, sir

Q. On lots 15, 16, 17, 32 and 34? A. I don't know.

Q. Well, how do you locate the place of your work? A. Well, what do you mean, by the lumbering?

Q. The lots on which you worked? A. For Wakeley?

Q. Yes A. I don't know.

Q. How was the place of your employment by Wakeley located for you? A. It was called the Sawyer lot.

Q. Otherwise known as the Stone lot? A. Stone lot; yes, sir.

Q. Did you ever hear that that was State land? A. No, sir.

Q. When were you there employed? A. Three years ago this fall, if I mistake not.

Q. Did you lumber over the whole lot? A. I don't know that.

Q. What did you do there? A. I cut some logs.

Q. How many? A. Somewheres a little over a thousand markets.

Q. Then am I to understand that your work for John J. Wakeley did not extend beyond the Sawyer lot, otherwise known as the Stone lot? A. Not to my knowledge; he took me in there and showed me where to cut, and I cut according to his orders, the Stone lot or the Sawyer lot.

Q. Did he give you any lines? A. Yes, there was a line marked through there, and he went through there and showed me.

Q. Did any surveyor locate the lines of the lot? A. Not to my knowledge.

Q. You were the boss of the job? A. I was the boss of the job; that is, took the job from Wakeley.

Q. How many did you have under you? A. Somewheres about ten men.

Q. How long were you there employed? A. I went in there, commenced work somewheres about the 11th day of December, I think.

Q. And worked how long? A. Well, I worked — that is, till somewheres about the 10th or 11th of February, I think — now I haven't the time with me — somewhere about the 10th or 11th, I think; now I wouldn't swear positive about this; I am not positive.

Q. Can you by reference to this map identify the Stone lot, otherwise known as the Sawyer lot, can you identify it as lot No. 34 of township 11? (Shows witness map). A. No, sir; I can not do it; the man Wakeley came to me and took me in there and showed and said he wanted to let me a job; it was late in the fall of the year, and I went in there.

Q. Is there more than one lot in the 11th township known as the Stone lot? A. I don't know that; I ain't supposed to know or nothing about it; I ain't after that business and don't keep track of that business.

Q. How did this lot lay with reference to the Sacandaga river or Diamond brook? A. I don't know, that is, in particular; all I know about it, he took me down to mouth of Diamond mountain brook.

Q. Which is upon that lot? A. Well, he claims it is upon that lot; now, I don't know nothing about it.

Q. Tell just what he did? A. He took me down there, and he says, "I have purchased this lot and I want you to lumber it for me," that is, to lumber some of it; I didn't agree to take all of it, or nothing of the kind; it was late in the fall of the year, and I took just what I could do; and he says, "the lot runs—now there is no use of my telling you nothing about it, because you wouldn't understand more than I do, not a bit."

Q. Is that what he said to you? A. That is what he said to me.

By Mr. WAGSTAFF:

Q. What did you do then after that? A. I cut logs, the same as any man.

By Chairman WILDS:

* Q. Cut them anywhere? A. No, sir.

Q. Anywhere where you could find them? A. No, sir; I am going to swear to the truth and nothing but the truth.

Q. You started cutting at the Diamond mountain brook? A. Yes.

Q. Now which way did you cut? A. I cut — well, it was between north and east, I think.

By Mr. NILES:

Q. Did you cut up along the brook?

By Chairman WILDS:

Q. On both sides? A. On this side of the brook was all that I cut.

Q. Did any one at the same time cut on the other side of the brook?
A. Yes, there was a number of jobbers in there.

By Mr. WAGSTAFF:

Q. How many miles up the brook did you cut? A. I don't know.

By Chairman WILDS:

Q. A mile and a half? A. No, sir; not over half a mile.

Q. North of the brook how far did you cut? A. I didn't cut a stick.

Q. I thought you said that your cutting was north of the brook?

A. No, sir; nor I ain't said no such a thing.

By Mr. WAGSTAFF:

Q. You know the points of the compass up there? A. No; I ain't a surveyor.

Q. Do you know whether you went in north, south, east or west?
A. I went in southwest.

Q. Very well; which direction from the way you went in did you cut? A. Well, my best judgment, it was northeast.

By Mr. NILES:

Q. How much were you to cut, according to your contract with Wakeley? A. I didn't have no contract.

Q. Well, according to your arrangement, whatever it was? A. No certain amount at all; it was late in the fall of the year when I went in there; somewhere near the 10th of December.

Q. What were you to do— A. To go in there and cut all the logs I could; and if I didn't finish it that year, finish it the next; he lets jobs to others, so I didn't do any work in there that fall.

By Chairman WILDS:

Q. Did you finish it? A. I done all I did in there.

Q. You and other jobbers in that lot finished the whole lot? A. I don't know; they lumbered in there another year; put in somewhere five or six thousand markets.

Q. On that one lot? A. I don't know nothing about it.

By Mr. WAGSTAFF:

Q. Who did that? A. Wakeley.

By Chairman WILDS:

Q. What jobbers did he have? A. To work for him?

Q. Yes. A. He put the job in himself.

Q. Do you know who were doing the work for him after you were employed? A. Melanchthon Dunkley, I think, done some work there; a chopping job or something like that.

Q. On this same lot where you were employed? A. I don't know nothing about it.

Q. Was Charles Dunkley on that same lot? A. I don't know whether he was or not. All I know about it, Melanchthon Dunkley was said to be in there cutting logs for him; that is all I know about it.

Q. Did you hear of Jesse Wells being in there? A. Yes, they had Jesse Wells in there.

Q. Did you hear of any one else? A. No.

Q. Had any one been cutting on the lot before you took your job? A. I don't know.

Q. Well, tell from the appearance? A. Now I don't know nothing about that.

Q. Don't you know how the thing looked? A. There had been lumbermen on it and everything else, but I don't know. They had been somewheres in there; I don't know where they had been, nor who it was, nor when it was done.

Q. What kind of timber did you take from that lot? A. I took some spruce and balsam.

By Mr. WAGSTAFF:

Q. First growth? A. No, second growth.

Q. About what size did you cut? A. Well, I think I cut down to six inches.

By Chairman WILDS:

Q. Did you cut the lot clean as far as you went? A. I don't know what you would call clean.

By Mr. WAGSTAFF:

Q. Did you take off all the spruce timber on the lot down to six inches? A. No, sir.

Q. Did you leave anything on? A. How do you mean?

Q. About three feet from the stump. Six inches where? Where did you measure?

By Chairman WILDS:

Q. You measured at the top end? A. I measured at the top end. I think it was six inches. Now I won't be positive whether it was six inches or not.

Q. Do you know how many pieces to the market? A. No, I couldn't tell. I did know.

Q. About three to the market? A. About five, somewhere about five, I think, somewheres there.

By Mr. NILES:

Q. How many pieces did you put in? A. I don't know.

By Chairman WILDS:

Q. It must have been at least 5,000; you had over a thousand markets? A. I don't know. I haven't the bill for them, and I don't know as they ever gave me a bill.

Q. It must have been at least 5,000? A. That is it took five for one.

Q. Isn't it your estimate that there were five pieces to one market? A. Well, there was between four and five.

Q. Between four and five thousand pieces? A. To a market.

Q. Oh, between four and five pieces to the market? A. Well, between four and five thousand to a thousand markets.

By Mr. TEN EYCK:

Q. Do you mean to say that Mr. Wakeley did not give you any lines to cut or any particular place in which to cut? A. Yes; he took me up in there and showed me where to cut and I cut where he showed me.

By Mr. WAGSTAFF:

Q. I understand that he started you at the mouth of Diamond brook creek and told you to cut? A. Yes, and cut up in such a direction—

Q. You didn't say so before? A. You read it over and see whether I didn't say so or not

Q. Well, which direction did he tell you to cut? A. You don't think I can tell it two or three times alike; do you want me to lie?

Q. No, I don't want you to lie. A. When I tell two or three times, you can ask me 20 times if you want to.

By Mr. TEN Eyck:

Q. Did Mr. Wakeley show you the lines where he wanted you to cut? A. Well, there was a line in there; he took me up and showed me where—, that is, to cut up through that country; he said that he had purchased that and it was his; it wasn't much of a line, or anything like that, once in a while a line; there was John Sawyer and I, and he is a very exact man; and John Sawyer told me exactly, that is, just as Wakeley showed me where to cut; you can subpœna John Sawyer; he is as honest a man as ever lived in the United States.

Q. You didn't cut anywhere except where Mr. Wakeley told you to cut? A. No, sir; I didn't; not at all; not one bit.

By Chairman WILDS:

Q. Did you ever have any other job with Mr. Wakeley? A. Oh, I have lumbered for him for four or five years steady, that is, till a year ago last fall; I have lumbered for 15 years.

Q. Did you take any other job in that neighborhood from Mr. Wakeley? A. No, sir; not at all.

Q. Have you ever been over into the 32d township? A. I don't know nothing about the 32d township.

Q. By Indian lake? A. No, sir.

Q. Or township 17? A. I don't know nothing about township 17

MELANCHTON DUNKLEY, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your name, age, residence and business? A. Melanchton Dunkley for my name; age, 26 years; residence, Johnsburgh; business, carpenter.

Q. Have you ever done any lumbering? A. Yes, I have done everything in the shape of the work line.

Q. Have you ever worked for John J. Wakeley? A. Yes, sir.

Q. Down in township 11? A. Where does township 11 lay (shows witness map); yes, I worked for him there.

Q. On lots 15, 16, 17, 32 and 34 of that township? A. I couldn't tell you what lots I was on; I worked for him there, but what lots I never knew.

Q. Who designated for you the place where your work was to be done? A. How is that now?

By Mr. WAGSTAFF:

Q. Who started you; who put you on the line? A. John J. Wakeley.

Q. You went there with him personally? A. Onto these lots; yes, I went there and worked for him, hired out to him.

By Chairman WILDS:

Q. What kind of a job did you have from him? A. I chopped the logs, chopped for him.

By Mr. WAGSTAFF:

Q. How were you paid, by the month? A. I was paid by the hundred, so much a hundred.

By Chairman WILDS:

Q. How many hundred trees did you cut? A. Hundred trees? I couldn't tell you.

Q. How many hundred pieces did you cut? A. That I couldn't tell you now; I don't know; I have forgotten; I couldn't say.

By Mr. WAGSTAFF:

Q. Do you know how much you were paid? A. I don't know, I don't remember.

Q. Can you tell anywhere near how much you were paid? A. Let us see; well, that would be quite a hard thing to get at, not knowing.

Q. Well, you must know pretty near what you were paid.

By Mr. ELDRIDGE:

Q. Were you paid \$50 a month? A. No, I wasn't paid by the month, I was paid by the hundred; it was a job by the hundred; of course I paid men out of this that I had chopping for me.

Q. What is the usual price paid for cutting logs? A. All the way from eleven to twelve, that is per hundred; I got \$11 per hundred for cutting; well, he must have paid me — let me see — he must have paid me \$250, some where along there.

Q. And you got \$11 a hundred, did you? A. Yes.

Q. Now how many pieces does that make that you cut? A. Well, I couldn't tell you that.

Q. Do you think you cut as many as 2,300 pieces? A. I must have cut as many as that.

Q. Well, what goes to make up the hundred, hundred markets? A. Markets.

Q. So you cut about 2,300 markets? A. No, let me see; now that is something I can not tell you; I have forgotten all about it, how many markets.

Q. Do you think as many as that? A. Well, I couldn't say, for I don't know.

Q. Do you think that is too many? A. That is something I have forgotten all about; I kept no track of it; I don't remember at all.

Q. How long were you employed on that job for Wakeley? A. I was on that job from the 1st of September till about the 1st of December.

By Chairman WILDS:

Q. Of what year? A. Eighteen hundred and ninety-three.

Q. Did you ever hear the lot on which you were at work being called the Stone lot? A. Yes, sir, I have.

Q. Did you ever hear of it also being called the Sawyer lot? A. Yes.

Q. Did you ever hear of it as State land? A. Well, I don't know as I ever did.

Q. Who else was working on that lot with you? A. Who else?

Q. Yes. A. Oh, there was lots of other men working on it.

Q. Give me the names? A. I couldn't give you the names of a half or a quarter of them.

Q. As many as you can recall; that is all that I ask from you? A. Well, there was my brother, Charley Dunkley; there was Tom Keyes; Ben Straight.

Q. Douglas Morehouse? A. I don't know as he worked on it; he didn't work there; he lumbered there the year before that; he was there the same place, but not at the same time I was there.

Q. Jesse Wells? A. No; I don't remember his working there when I did.

Q. George E. Cooper? A. No.

Q. Jason Mead? A. No; Jason Mead did not; he had a job there the year before I worked there, in that same country.

Q. From Wakeley? A. Yes.

By Mr. ELDRIDGE:

Q. Billings Monroe? A. He might have worked for some of the others; I don't know; I know the man, and he didn't work there when I did.

By Chairman WILDS:

Q. Was your job done on both sides of the Sacandaga river? A. Yes.

Q. Northerly, easterly and westerly from the Sawyer clearing? A. I believe that would be about as it was, yes.

Q. And extending about one and one-half miles easterly from the Sacandaga river up Diamond Mountain brook? A. About how far?

Q. A mile and a half? A. Well, now I wouldn't think that we went as far as that; still we might have; I don't remember as to that.

Q. Did you ever hear how much timber, altogether, came from these five lots? A. I never did.

Q. I mean as taken by Wakeley? A. I never did know; I never heard him say.

Adjourned till 7:30.

EVENING SESSION, 7:30 P. M.

WILLIAM H. BAKER, recalled:

Examined by Chairman WILDS:

Q. By reference to your books, can you now state the quantity of cedar logs which you cut and removed from the cedar swamp, from lot 20 of township 16, Totten & Crossfield purchase? A. I have no record of it further than the book.

Q. I say, from this record, can you now state by looking here? A. Yes; 259 markets.

Q. Two hundred and fifty-nine and three-quarter markets? A. Yes; that, I suppose, was a correct measurement by the man that measured them.

Q. Who measured those logs for you? A. Samuel Rexford.

Q. Who hauled those logs for you? A. Different parties; it shows here who drew them; different teams drew them.

Q. Pat Donohue? A. Yes.

Q. Mike Donohue? A. Yes.

Q. D. Roblee? A. Yes.

Q. Byron Miller? A. Yes.

Q. G. W. Roblee? A. Yes.

Q. And your own teams? A. Yes, sir.

Q. Those are all? A. All that I know of.

Q. Your own teams hauled only a small part of the whole? A. I presume so.

Q. How was that timber marked? A. How was it marked?

Q. Yes. A. There wasn't any mark on it; yes, marked here with the letter "B," after it got here to the mill.

Q. Is that a mark that you claim as your private mark? A. Yes, sir.

Q. What was the object of so marking the timber? A. To tell them from custom logs; other neighbors bring in logs here.

Q. Do you know of any one else claiming that same mark as their private mark? A. No, sir.

Q. Have you ever registered that mark as your own in the county clerk's office? A. No, sir.

Q. Have you ever heard of any one else having registered the letter "B" as their private mark, in the county clerk's office? A. No, sir.

Q. How long have you used that mark as your own? A. Two winters.

Q. We have had testimony from Mr. Robert Montgomery in reference to your timber transaction on township 50, lots 97, 98 and 99?

A. Well, he may know of lumbering some lots, but I don't know anything about where he was; I don't know how he could give the number of any lots; I don't know anything about that.

Q. I understand your testimony to be that you have never been on the lots? A. Never.

Q. Where the timber job was done? A. No, sir; I think about ten miles was the nearest I was ever there.

Q. Do you know who measured the logs? A. I don't know.

Q. In that case? A. I understand—I don't know, but I understood it was Watkins, Turner & Co.'s measurers.

Q. Wasn't any return made to you of the measurements? A. Yes.

Q. Did you receive such a certificate of measurement from one named Austin? A. I think that was the man's name, Austin; I wouldn't swear positively.

Q. Did you have any transaction with Edward Anderson with reference to the timber cut from those lots? A. No, sir.

Q. With whom was that transaction concerning the same? A. Patrick Moynehan.

Q. And what was your arrangement with him? A. I couldn't tell you just the amount; it was somewhere between sixty-five cents and a dollar a market for putting the logs in, but I couldn't tell you now.

Q. For cutting and skidding and hauling and delivering the logs into the Moose creek? A. I couldn't tell you that neither; I don't remember where the creek was; I had to land the logs on the river or creek bank, but I can not now remember what the price was.

Q. Don't you know that the timber that was cut from those logs was delivered into Moose creek, which empties into Cold river? A. No, sir; I do not.

By Mr. WAGSTAFF:

Q. Where were they delivered? A. They were delivered at some stream that they were supposed to have a dam on, but I don't know what it was; I never paid any attention to it; I never was within ten miles of there, and I don't know the names of any creeks or lakes in this country except a very few popular ones.

By Chairman WILDS:

Q. Do you remember of a claim having been made by Robert Montgomery of an erroneous certificate of measurement by Austin in that case? A. I have no recollection of any such a thing to-day; I have no recollection now; I heard something about a measurement, but I can not tell you what it was.

Q. Don't you remember that Austin certified to you the measurement of those logs as being between five and six thousand markets, and that Robert Montgomery claimed that they should have been certified at least a thousand markets more? A. I know that there was a talk, a difference in opinion about the measurement of the logs, but as to what amount I couldn't say.

Q. I suppose a thousand markets is a trifling matter to you? A. Well, it would be, yes, in an ordinary time; but it ain't anything that I bother my head very much about.

Q. Did you never make any inquiry into the matter of error? A. I left that for my father-in-law to do.

Q. He seems to have been very much disturbed over it? A. It might have worried him more than it did me; I don't worry much.

Q. He was disturbed, not on his own account apparently, for you paid him by the month for his work? A. Yes.

Q. But his anxiety was because you were apparently not having full return for the work he had done—don't you remember the facts? A. I remember that there was some talk about it, but the circumstances I can not tell.

Q. Isn't your memory pretty good? A. Well, it is, generally—has been pretty good; I have carried a good deal of business in my head; I took that job for the purpose of wintering some horses that I had.

By Mr. WAGSTAFF:

Q. What were 1,000 markets worth to you on that job? A. What were they worth to me?

Q.-Yes. A. Well, as I stated before, the price was somewhere betwixt 65 cents and \$1 for putting them in.

By Chairman WILDS:

Q. About \$750, then? A. I should judge so—yes.

Q. You can afford to let \$750 slip through your fingers without paying any attention to it? A. No, I should look after it.

Q. Why didn't you look after this? A. I didn't have any chance—probably they had measured them and gone in the river; may be the other man was right—I had no way of looking it up.

By Mr. WAGSTAFF:

Q. Didn't it make any impression on your mind at all—a transaction involving \$750 loss to you? A. It made a difference on the measuring account, but his judgment and the actual measurement of the logs by the parties who measured them might be different; I didn't see any way I could get it.

Q. Didn't it make sufficient impression on your mind so that you remember the circumstance now? A. No.

By Chairman WILDS:

Q. Were you looking for your compensation on your job according to the number of markets which you delivered into the river? A. Yes, sir.

Q. Did you receive settlement therefor? A. I have.

Q. From whom? A. Mr. Moynahan.

Q. Did you call his attention to the matter of erroneous measurement? A. Yes.

Q. Don't you remember what took place between you? A. No, sir; I do not; I have got nothing that I can show only those books, and there is no reason why that book should not show the whole transaction somewhere, in some shape.

Q. Are you accustomed to keep regular and full books of account of all transactions? A. I have bookkeepers that keep them; I don't keep any books myself at all.

Q. Have you had search made for the record of the account of that timber transaction? A. I have searched for it since you asked for the books, to-night, and we are willing to search further.

Q. Since yesterday have you not searched for that account? A. No, not until to-night; I didn't know it was needed until you spoke to me to-night; we were talking about another thing to-night.

Q. Apparently your memory must be very short, for I certainly called your attention to the fact that we would need both accounts?

A. I misunderstood you, if you wanted any account of that kind.

Q. Have you found the account of that timber transaction? A. No, sir.

Q. Mr. Robert Montgomery is pretty familiar with the place where the timber was taken, I presume, is he not? A. I think that was the only time that he was there; I think he went in there a stranger on the job that fall, and I don't remember of his going back since.

Q. Did you have any written contract with Patrick Moynahan? A. No, sir.

Q. Who cut the timber there? A. I couldn't tell you who my father-in-law hired; I couldn't tell you anything about that; I guess he had a good many men from Canada and other places; if I recollect right, I heard him say that they had to hire some green help from Canada that wasn't very good.

Q. Have you ever had any transactions in reference to timber with Thomas Powers? A. I think nothing but this cedar job; I think that is the only transaction I have ever had with him.

Q. The cedar job to which you have already testified? A. Yes, sir.

Q. How much did you pay for that cedar and to whom? A. Well, I think I paid 30 cents a market for it.

Q. To whom did you make that payment? A. Thomas Powers.

Q. Where does that payment appear upon your books? A. Well, I tried to find last night where it appeared on the books, but he failed to do it; perhaps he can find it yet.

Q. Can you give the date of the payment? A. No, sir; it might have been — we have an account for years with him, the same as with Mr. Moynahan; may be it was all done in a note transaction; I found several notes charged to Powers in this same account; of course, it might have been settled.

Q. I don't find in your book any account with Thomas Powers personally; I find one under the name of Mrs. Thomas Powers? A. Well, we can open the book and see; that is all I can tell you about it; the book is there.

Q. That is your merchandise account, your store account? A. Yes, sir.

Q. And has nothing to do with your timber transactions? A. It all goes in together; that is the headquarters book.

Q. Nothing appears in this book; that is not in this book?

A. Every identical thing should be in that book.

Q. Will you then find where the cedar job is recorded in this book?

A. I will try; we can make a statement of his account all the way through, and go back to the journals and blotters; we can do that; the whole business must show somewhere.

Q. On this measurement book, upon the account of the cedar job to which you have testified, I find the date of January 9, 1894? A. Yes, sir; that is when we would start to measure; now when we got through it was probably in April, last of March or first of April; that is when Mr. Powers' account would be credited with the amount of \$70, whatever it amounted to,—60 cents a market for so many market logs; I should think, perhaps, that he would get the credit for it sometime in April.

BY MR. TEN EYCK:

Q. Do you know whether you settled with Mr. Powers direct or with the commission? A. With Mr. Powers; I didn't know anybody else in the deal; if he hasn't had credit for it, he ought to; well, it might be in adjusting a note, or something of that kind.

BY CHAIRMAN WILDS:

Q. Do you remember whether you paid him in cash? A. I didn't pay him in cash.

Q. Do you keep a bank account? A. No, sir; not any.

Q. I see that your letter headings have attached to your name "Agent?" A. Yes, sir.

Q. What is the significance of that? A. Well, my wife is the owner of property awhile ago and I have changed with other parties.

Q. I hardly understand your answer? A. I mean, my wife was the owner of the property and I have now sold the business to other parties; I am doing business as agent for my wife. My wife is the owner of the property.

Q. How long has she been the owner? A. Oh, I should think about six years.

Q. Well, was this cedar job one of your wife's or made on your wife's account? A. Yes, sir; the benefits or losses would be hers.

Q. Was the transaction you had with Mr. Moynihan with reference to the timber which you cut and hauled and delivered to him, in township 50, on lots 97, 98 and 99, also on your wife's account? A. Any business I done was on my wife's account; I have done no business during the past six years only what I have done for her; I don't know

what lots they were on, or anything about it, but any business that I have transacted since she bought the property from Mr. Walker or Mr. Bishop in Albany, that business has all been done for her.

By Mr. NILES:

Q. Do I understand that you can not turn in your books to the record of this cedar transaction with Mr. Powers? A. I do not say that I can not; I can look and see; that ought to in the month of April show whether Mr. Powers was credited with that item.

By Chairman WILDS:

Q. Upon your ledger I find, under date of May 7, 1894, in the account of Mrs. Thomas Powers, the credit item of " $173\frac{1}{5}$ markets of cedar, \$51.96"; how do you explain that entry? A. I can not explain it, unless it was from the log measurement; that might have been the actual measurement as given out there, and the rotten logs taken out of it; the measurer can tell you about that.

Q. Now I will call your attention to your measure record of the cedar logs? A. Well, I can not explain anything about it, because I never saw it before.

Q. From that record it appears that the whole measurement was $259\frac{3}{4}$ markets? A. Yes.

Q. I find here also a side note, in which it appears that $86\frac{5.8}{100}$ markets are deducted from $259\frac{7.5}{100}$, leaving $173\frac{1}{5}$ markets; how do you explain that? A. Well, it is just as I told you; that must have been the rotten logs; and then they made what would be called comparatively sound—

Q. Good healthy logs, you mean; green timber? A. No; if there was ever a green log came over there, somebody brought it in in the night when I didn't see it.

Q. How do you explain that marginal record, showing a deduction of $86\frac{5.8}{100}$ markets from the account? A. I have no way to explain it only as I told you, to take out the rotten timber that was in.

Q. Didn't you buy the rotten timber? A. No, nobody does that.

Q. Didn't you buy the dead timber? A. Yes, dead timber is not rotten timber; we don't make shingles out of rotten wood; you wouldn't like to buy them; I can not explain it any other way than that; there might have been a hollow in the log that big (indicating) I shouldn't pay for that hole.

By Mr. TEN EYCK:

Q. How did you buy your logs from this cedar creek, by market? A. Yes, sir; by the market.

Q. And if a log was rotten and wouldn't make a market — A. That was to be measured out, just as we had all other logs; that is the custom of the country, measure the shell on two sides.

By Chairman WILDS:

Q. How is it in the transaction that you state you had with Mr. Thomas Powers, forester, the only record that you have of payment for the logs you bought from him as forester, as you have testified, is in the account with Mrs. Thomas Powers, where you credited her with \$51.96 for 173½ markets of cedar logs? A. Well, it was paid for in grain and other things in the account of Mrs. Thomas Powers; he was doing business for his wife, the same as me, and it was kept in the same account; if he sent over here and got 25 bushels of oats, when I settled with him, when the measurement of the logs was made there, I credited him with it.

Q. Do you claim to have been dealing with Thomas Powers as a State officer? A. Yes, sir.

Q. Where is your payment to him as such State officer? A. I have got no transactions only what the books show.

Q. And you have no credit other than this one item under the account of Mrs. Thomas Powers? A. Not that I know of; I can not find them if there is.

Q. And that is the credit item as against merchandise purchased by Mrs. Thomas Powers of you? A. Yes.

Q. Merchandise or groceries? A. Grain store, yes.

Q. And grain? A. Yes, sir.

Q. I understood you to say you had no other transaction with reference to timber with Mr. Powers? A. All the business that I have done with Mr. Powers for a number of years has been done with Mrs. Thomas Powers; she was considered the responsible party, not him.

By Mr. NILES:

Q. Was there any other timber transaction with him? A. No, sir.

By Mr. WAGSTAFF:

Q. Or with his wife? A. No, sir.

By Mr. TEN EYCK:

Q. Now, as I understand it, you had a running account with Mrs. Thomas Powers? A. Yes, sir.

Q. Mr. Thomas Powers was the forester here? A. Yes, sir.

Q. And he sold you some dead cedar by the market? A. Yes, sir.

Q. And after those cedars were cut and measured by the market, you allowed Mrs. Thomas Powers on her account, the amount that you were to pay him for those cedars by the market? A. Yes, sir; I had already paid him before they were measured; that is, she had an account.

Q. And Mr. Powers made no objection to that? A. Not at all.

Q. Allowed you to pay it in that way? A. Yes; he told me that he had sent in the pay to the State, and had a receipt for it.

Q. He told you that he sent the pay to the State? A. That he had paid for it and it was all adjusted all right; how they fixed it, I don't know.

Q. Did he give you a receipt for this amount? A. There is no receipts passed between us, only just what the books show.

By Mr. NILES:

Q. Did you see that cedar standing on the lot prior to its being cut? A. Did I?

Q. Yes. A. I saw a little of it.

Q. What? A. I saw some of it.

Q. Didn't you see it all? A. Well, I couldn't tell you; I went along the road by the edge of it.

Q. You didn't get out and go through the cedar? A. There was an old log road that we drawed bark out on a few years before; I walked along that road.

Q. All you saw of it was what you could see from this log road as you went through? A. Yes; I walked along and found where these people were getting cedar posts and had it piled up there.

By Mr. TEN EYCK:

Q. Did you receive any live cedar from that lot? A. Not that I know of.

By Chairman WILDS :

Q. Do you know what you did receive? A. Well, I think I have seen nearly all the logs; I couldn't say; there might have been a good many loads drawn in that I didn't see, but I never have seen a live tree.

By Mr. TEN EYCK :

Q. You put the men in there to work, as I understand it? A. Yes.

Q. What, if anything, did you say to them—or, in other words, what instructions did you give those men when you sent them there to cut logs? A. I couldn't tell.

Q. Did you tell them to cut promiscuously? A. I don't remember; I have said a good many things in my life, but to remember what I told them men, I couldn't do that.

Q. Didn't you tell them not to cut the green timber? A. I couldn't say.

By Chairman WILDS :

Q. Have you ever been there since the cutting was done? A. No, sir; and never but once before, and probably never shall again; I would have been a couple of hundred dollars better off if I had stayed away the first trip.

WILLIAM S. CROSS, being duly sworn, testified as follows;

Examined by Chairman WILDS :

Q. What is your full name, age, residence and business? A. William S. Cross; my age is 55 years old the 1st day of last February; my business now is with Dr. Fuller, doing his work there—chores and so on.

Q. And you live where? A. I live right with Dr. Fuller.

Q. In North Creek? A. Yes—North Creek.

Q. Do you remember having had a timber job on lot 112 of township 21 of Totten & Crossfield patent, in 1891 or 1892? A. Yes, sir.

Q. And did you employ upon that job one Riley Plumley? A. Yes, sir.

Q. From whom did you have the job? A. From Mr. Butler—Edward Butler.

Q. And what was the transaction which you made with Mr. Butler—what was the contract which you entered into? A. Why, the contract was, I was to go and put in a thousand markets of logs on South pond on these lots.

Q. From lot 112? A. Lot 112, 100; taking it off from three lots, I think.

Q. And 124? A. No, sir.

Q. One hundred and twenty-three? A. No, sir.

Q. South pond takes up the others? A. There is 100, 111.

Q. One hundred and eleven touches the pond a little? A. Certainly—and then this other lot that you were talking about.

Q. Is that transaction in 1890–1891, or 1891–1892? A. Now I couldn't tell to save my life; it was in that time, either in 1891 or 1892.

Q. And did you cut and haul a thousand market logs from that lot? A. From what lot?

Q. One hundred and twelve? A. No, sir, I did not.

Q. How many did you remove from 112? A. I couldn't tell you; we never have settled, and he has got the measurement of the logs.

Q. He has never paid you? A. No, sir; he has not.

Q. How much is he owing you on that transaction? A. He is owing me between five and six hundred dollars, or about five hundred dollars.

Q. Why haven't you sued him? A. Well, what is the use of suing a man when you couldn't collect anything.

Q. Do you know him to be irresponsible? A. Am I responsible?

Q. Do you know Edward Butler to be irresponsible? A. No.

Q. Would you be unable to collect a claim of five or six hundred dollars by judgment? A. Would I? no, sir, I don't think I could.

Q. You think he hasn't that much property? A. No; I don't think he has.

By Mr. NILES:

Q. How was it that you came to trust him to such an extent on that job? A. Well, he made me good promises.

By Chairman WILDS:

Q. Why did you deliver the logs without your pay? A. I got my pay right along just as I wanted it, and I thought that he was all right, you know, and was a good, trusty man; I had had a little dealing with him, been all fair and square with him, and I dealt with him the same as I would with any other man that I supposed was honest.

Q. Do you know Thomas Powers, the forester? A. Yes, sir.

Q. He has testified that you cut the timber from lot 112 of township 21? A. He did?

Q. Yes. A. Well, he is mistaken, I guess.

Q. He has also testified that he seized the logs because you had cut that timber from that lot, which was State land? A. Well, it is no such a thing.

Q. What did you do with the logs? A. What did I do with the logs?

Q. Yes. A. I delivered part of them to the mill, and the other part I delivered on the lake.

Q. Mr. Powers has testified that he seized those logs and put them up at auction? A. Well, all the logs that he put up at auction — well, you can ask me that question — I know where he put up the logs.

Q. At what mill did you deliver the logs? A. To Mr. Hough's mill; I was to deliver part of them to Mr. Hough's mill, the mill that burned down there, and the other part I was to deliver on the lake in the bay right there by Mr. Helms.

By Mr. WAGSTAFF:

Q. Do you mean to say that if Mr. Powers had testified that he seized these logs and sold them at auction; that he testified to what was not true? A. Yes, if he said on this lot over there, on the carry there.

Q. On lot 112? A. Yes.

Q. What logs did he seize of yours? A. On 100.

By Chairman WILDS:

Q. Was lot 100 State land? A. No, sir; never claimed it was.

Q. How was it he came to seize them then? A. Well, it is through Mr. Helms' affair; Helms bought 112 there, claimed to, and he bought Mrs. Russell's half.

Q. Of what? A. Of 100; she owned one-half of it; then the Morgan company claimed to own the other half, as near as I can find out afterwards.

Q. Were you the first man to do any timber cutting on lot 112? A. No, sir.

Q. Who had been there before you? A. Mr. Dave Helms and Plumley, and everybody that wanted a stick of timber went and cut it; Riley Plumley didn't cut any that I know of, but them people there.

Q. Do you know of W. W. Cole having cut timber on that lot? A. Warren Cole, yes, sir; he was supposed to cut shingle timber there.

Q. Was that before or after your cutting? A. Before my cutting.

Q. The year before? A. Yes, sir.

Q. Do you know of A. T. French? A. Yes, sir.

Q. Having cut timber also on that lot? A. They cut all through there on all of those lots you are talking to me about; they went there and cut timber.

Q. I would call your particular attention to lot 112, and invite your answers solely in reference to that lot; was Mr. French's cutting of

timber on lot 112 before or after you cut timber? A. Before; I never cut any timber there, only just saw-logs; there was shingle timber and other timber cut there before I went there; there were roads cut through there.

Q. Do you know for whom Cole and French cut their timber? A. For themselves.

Q. Don't you know of their also having cut timber for Edward Butler? A. No, sir; there never was a stick of timber cut in that country there till I cut it for Ed. Butler.

Q. Did you cut afterwards for Ed. Butler? A. Afterwards—I couldn't tell you; I come out from there the next year after that; I can go and show any man every stump that I cut.

Q. What was the character of the timber taken from that lot? A. Spruce and pine.

Q. Of what measurement? A. Well, I was to cut down to ten inches.

Q. And did you make a clean cut of the timber on that lot down to that measurement? A. No, sir.

Q. What did you do? A. I took the very best, clear, for building purposes.

Q. Riley Plumley is understood to state that you cut a thousand market logs from lot 112? A. Well, he is mistaken in that.

Q. Was anyone else at work for you? A. Why, yes; I had quite a number of different men.

Q. Who were they? A. Seth Pierce worked for me for one time.

Q. Where is he from? A. He is up there to Blue Mountain lake, Raquette lake.

Q. What is he, a lumberman? A. No, sir.

Q. What is he? A. He is a guide.

Q. Who else worked for you? A. There was Seth Pierce, and then I had some fellows from Saranac working for me. Well, now, I couldn't call them by name; they were strangers to me; but I have got them on my book there to Long Lake.

Q. How many men were in your employ there? A. Oh, I had somewheres from three to four or five men.

Q. And how long a time were you engaged on the job? A. Oh, about two months, I should think.

Q. How many acres do you estimate that you cut over on that lot? A. Well, now, I couldn't tell you.

Q. As near as you can estimate? A. Well, I couldn't tell you anything about it; I couldn't answer that question at all.

Q. You have no idea? A. No, sir.

By Mr. NILES:

Q. What was your arrangement with Mr. Butler? A. Well, sir, he went and showed me these lots; he showed me where to cut the timber; I took the contract the same as any man would; he showed me the timber, and I took it at such a price.

Q. Do you remember the price? A. Yes, sir.

Q. What was it? A. From seventy-five cents to a dollar.

Q. What, per market? A. Seventy-five cents per market.

By Chairman WILDS:

Q. Do you remember that you were paid seven hundred and fifty dollars or more on that job? A. No, sir, I was not.

Q. How much were you paid? A. The last time that I drewed any money on that job I went and drawed \$35, and we sat down and he says, "how much do you think you have taken up on that job?" "well," I says, "I don't really know," and I wanted to get his estimation on it; he says, "why, good gosh, you have gone and cut this job and you haven't taken up \$600, and it comes to a thousand dollars;" "well," I says, "I only want \$20 to-day, and then," I says, "to-morrow we will come down and settle up;" he says, "I haven't got quite time to settle up with you;" he says, "you better take \$35;" drawed up a check and give me \$35, and that is the last cent of money I have ever received on the job.

Q. How much remained owing to you? A. He says somewhere about six hundred dollars.

Q. Did you cut any timber after that payment? A. No, sir.

By Mr. NILES:

Q. At the time that Mr. Butler showed you the lots, did you understand that it was State land? A. It was not State land, I don't think.

Q. While you were cutting there were you notified that it was State land? A. No, sir.

Q. Didn't Milo Knapp tell you that it was State land? A. No, sir; Milo Knapp is the only man that ever forbid me cutting a stick of timber there.

Q. Didn't he tell you that it was State land? A. No, sir, he did not.

Q. What did he tell you? A. He claimed to own it himself.

Q. What did Mr. Butler say when Knapp claimed to own it? A. They came there when I was doing this work; you have got my affidavit here; they came here, and I was there loading up my team and had men there to work, and Mr. Butler and Mr. Knapp and Mr. Will Helms came there and Walter Jennings, in the morning, came there on the farm, and Mr. Butler came up to me and he says, "here is Mr. Knapp; he has come to look these lots over; will you go and look with them and Mr. Helms?" I says, "yes, I will do so;" well, we went and looked; I think I loaded my team and sent them off; and I went across the pond with Mr. Knapp, over on this 112; he claimed to own that; he went and looked all around there; and when he got back to the end of the pond, he forbid me touching another stick of timber or logs or anything there was there; he said he claimed to own them lots; and I didn't do it; he said Mr. Butler was going below to settle up; and I waited there a week—kept my men and teams right there.

By Mr. NILES :

Q. Then what did Butler say about it? A. He came back; he didn't say a word; he said he was going below.

Q. Going where? A. To Albany.

Q. To settle with the State, to pay this up on lot 112? A. He didn't say 112; there were three or four lots they claimed to own; he came to my house and said everything was all right and to go ahead.

Q. Did he show you any papers? A. There were some writings there; he had them out in his hand; I didn't look at them to see whether they were right or wrong; I wasn't supposed to do that; he said everything was settled.

Q. Did you ever hear anything from Knapp after that? A. Never heard a word from that day to this.

By Chairman WILDS :

Q. Where does Milo Knapp live? A. Lives in Chester.

By Mr. NILES :

Q. When did you find out that it was State land from which you cut that timber? A. This last spring.

Q. Is that the first you knew of it? A. Yes, sir.

By Chairman WILDS :

Q. When Mr. Butler told you that he was going below, meaning that he was going to Albany, to settle the matter, didn't you understand thereby that the cutting had been done on State lands? A. No, sir.

Q. Why should he go to Albany? A. Mr. Knapp claimed to own this property; he says, "I have been and paid up these taxes on this lot, Mr. Butler and me, and I sold them to Mr. Butler, and Mr. Butler has failed to connect, and now," he says, "I am going to hold this timber on these lots right here till he comes and pays me or settles the matter up."

By Mr. NILES :

Q. If you had known it was State lands, would you have cut the timber? A. No, sir; I would not, for no man, I don't care who it was.

By Chairman WILDS :

Q. Were the lines of the lot run for you by any surveyor? A. No, sir; only just the cross line on 100.

Q. That was run by a surveyor? A. Yes, sir.

Q. Did you begin your cutting on that line? A. My cutting was all done before that line was surveyed; everything I cut on 100 was all done and all out of that before ever that line was surveyed.

Q. Then there was no survey as to lot 112 made during the time of your job there? A. No, sir.

Q. How did you ascertain the lines of the lot? A. All the lines that I ascertained, I got into the 19th township, where I supposed it was, here they said it was; I knew pretty nigh where the line was between the 19th and this 112, and the line was run there, and I didn't go any further than that.

Q. Did you cut the timber down to the 19th township line? A. Yes, sir; what I supposed was the 19th township.

Q. Then you went upon lot 124 of township 21? A. No, sir.

Q. Well, lot 124 is on the southerly line of township 21, and its southerly boundary is the northerly line of township 19? A. All the timber I cut, I cut on 100, 111 and 112.

Q. Well, then, do you take back your statement that you cut down to the township line of township 19? A. Why, yes; here 112 runs up to 19, doesn't it?

(After some discussion, witness indicates on map where he cut the timber.)

The WITNESS — I cut right along the township line between townships 19 and 21, which by the map shows that I cut upon lot 124 of township 21.

The committee adjourned, subject to the call of the chairman.

MORNING SESSION.

ADIRONDACK HOTEL,
NORTH CREEK, N. Y., *August 22, 1895.* }

WILLIAM H. BAKER, recalled.

By Chairman WILDS:

Q. How do you explain the fact that the 86 odd markets deducted from the 256 markets is just one-third of the whole sum? A. That is right; it ought to have been two-thirds, then I would have been nearer right; I could convince you of that if you would walk over here to the mill; I account for it in deductions made to make hollow and worthless logs practically good.

By Mr. TEN EYCK:

Q. The hollow parts of logs and the rotten parts were deducted from the measurement? A. Yes, sir.

By Chairman WILDS:

Q. Under any agreement? A. Yes, sir.

Q. When made? A. Well, I think after the logs were drawn here, when they were sawed up; I think so; I couldn't tell; I couldn't tell that.

By Mr. TEN EYCK:

Q. You bought by the market? A. Yes, sir.

Q. And a market is supposed to be solid measure? A. Yes, sir; supposed to contain 200 of solid timber.

Committee adjourned subject to the call of the chairman.

PROSPECT HOUSE,
BLUE MOUNTAIN LAKE, *August 23, 1895.* }

WILLIAM RILEY PLUMLEY, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your full name, age, residence and occupation? A. I am 32 years of age; my residence is Long Lake; my occupation is guide.

Q. Do you remember in the winter of 1890 and 1891, having been engaged upon a lumber job for William Cross? A. Yes, sir.

Q. And were you so engaged for him in the cutting, piling and hauling of timber from the State land of lot 112, township 21, Totten & Crossfield purchase? A. Well, I do not know the number of the lot.

Q. By reference to the map you may be able to? A. If that is the lot that Bill Cross lumbered, why I didn't do no chopping; I done part of the skidding and most of the hauling for him; yes, sir.

Q. If you will examine the map which I now show you of township 21 (shows witness map) you will see the location of lots 112 and 124? A. They lay around South pond there.

Q. You lumbered from the southerly line of the township up to the southerly line of lot 100? A. Yes, sir.

Q. Through lots 124 and 112? A. That is right, sir.

Q. What quantity of timber did you take and haul from those lots? A. Well, I don't know exactly; somewheres, I should say, not far from 2,000 markets, to the best of my knowledge; of course, I do not know the exact measure.

Q. Who measured the timber in that case? A. I couldn't tell you; I wasn't there when it was measured.

Q. Where was the timber delivered? A. Around to Long Lake.

Q. Was it hauled by you from those lots to Long Lake? A. Well, sir, the most of it was; yes, sir; I was driving team for this man; I drawed with his team.

Q. Was any one else engaged upon the job? A. Yes, sir.

Q. How many others; and will you give their names, as far as you can? A. Well, now, there was Ed. Cross, he helped haul some of them; that was the only team he had, excepting his own.

Q. And how long were you engaged upon that job? A. I think about two months.

Q. Beginning when? A. Not far from the last of December.

Q. What year? A. Well, let me see, that was four years ago, wasn't it, or five; it was 1890 or 1891?

Q. Either December, 1890, or 1891? A. Yes, sir.

Q. For whom was that lumber job done by Mr. Cross? A. Well, the way I understood it, he was doing it for Ed. Butler.

Q. Did you see Ed. Butler upon those lots at the time you were employed? A. Yes, sir.

Q. Any one else? A. Oh, I remember of his having one man up there with him once, Walter Jennings; Walter Jennings made one trip there with him, with Ed. Butler.

Q. Do you remember seeing Myron Knapp, of Chester, there? A. I do not; I remember something about it; but I didn't see the man, not that I remember of, any way.

Q. Did you know at the time that it was State land upon which you were working? A. No, sir.

Q. When did you first learn that fact? A. Well, not hardly a year ago.

Q. Did any one attempt to interfere with your work there at the time thereof? A. Not mine; no, sir.

Q. Do you know of any interference, or attempted interference, with the cutting and taking of timber from those lots by any one? A. I do not; not after I commenced there.

Q. Had you previously heard of any such interference? A. I have since.

Q. But not previously? A. No, sir.

Q. And what have you heard on that subject? A. Well, that is all I know about it; that is all, sir, that I know; you see I was hired by this man and worked by the month.

By Mr. WAGSTAFF:

Q. Did you hear that anybody interfered with the work at all? A. I do not remember now; I heard since then that some notice was given on 112.

By Chairman WILDS:

Q. That the same was State land, you mean? A. Yes, sir; that it was State land.

Q. And that Cross was committing a trespass there? A. Well, I don't know anything about that.

Q. What was the notice? A. That he had been cutting logs on State land; that was last fall that I heard that, that was the first.

By Mr. TEN EYCK:

Q. Who gave the notice? A. This gentleman here (indicating Mr. G. L. Bouton).

Q. That was after the logs were cut then? A. Yes, certainly.

Q. What was the character of the timber which you took from those lots? A. Well, sir, it was pine and spruce.

Q. Of what growth? A. First growth.

Q. And of what measurements? A. Somewhere about two hundred and thirty.

Q. Explain what that means? A. Well, a market log is 19 inches, and they are measured up, and they are figured up.

Q. And it took on the average— A. Oh, about two hundred and thirty, as near as I can say, 230 to a hundred markets.

Q. Two hundred and thirty pieces to make how much? A. One hundred markets; that was as near as I could get at it.

Q. Do you know how many trees were cut? A. No, sir.

Q. Did you see Thomas Powers, forester, upon those lots at any time? A. I don't remember now, I couldn't say.

Q. Was there a clean cut of the timber from those lots? A. No, sir.

Q. Of the soft wood? A. No, sir.

Q. About how many acres would you say were cut over in that job? A. I couldn't say.

Q. As near as you can state? A. I ain't no idea.

Q. You know that these lots contain 300 acres each, do you not?

A. I do not, no.

By Mr. TEN EYCK:

Q. Do you know whether there was any settlement made for cutting on the State lands there? I don't know.

Q. Well, do you know whether they were State lands you were lumbering on or not? A. I did not at the time; no, sir.

Q. Do you know now that they were State lands? A. I have been told so since.

PROSPECT HOUSE,
BLUE MOUNTAIN LAKE, *August 24, 1894.* }

GEORGE LAHEY, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your full name, age and residence? A. George Lahey is all the name I have; residence is Minerva; I have been up here for about five months.

Q. Here at Blue Mountain lake? A. Yes, but my home is Minerva.

Q. During last winter were you at work upon a lumber job? A. I worked at Long lake skidding; I worked about two months there.

Q. For whom did you work there? A. Pat Moynehan.

Q. By reference to the map which I now show you, being the Forest Commissioner's map of the State lands within the Adirondack Forest Preserve, will you State upon what lots and in what township you then worked? A. I worked in township 21, and I should call it lot 54.

Q. Didn't you also work upon lot 66? A. I think that he lumbered both of them lots, but I wouldn't be positive; I am quite sure it was because he lumbered down towards the lake, from 54 down towards the lake.

Q. What was the condition of those lots when you went upon them; was the timber well cut off? A. No, they were well timbered; it wasn't very thick, but nice timber what there was.

Q. Of what character? A. Spruce, a good deal of hemlock, but he didn't cut no hemlock.

Q. What did he cut? A. Just spruce, and pine if he run across it, but pine—there were very few.

Q. Well, did he cut spruce, and pine wherever found upon lots 54 and 66? A. Yes, I am pretty sure he didn't leave no timber nowhere.

By Mr. ELDRIDGE :

Q. Did Pat Moynehan himself do this job? A. Well, his boss was George Straight.

Q. Do you know how much timber was cut and removed from lots 54 and 66 of township 21? A. I think—I don't know just how many he did put up; about eight thousand markets I think.

Q. Off from those two lots? A. Yes.

Q. Where was that timber delivered? A. It went down the lake.

Q. Down Long lake? A. Yes.

Q. To whom? A. Now, I couldn't tell you what company did get it; if I heard the name I think I would know.

Q. Was it the Morgan Lumber Company? A. No.

Q. Did you see Pat Moynehan upon those lots at any time during your work there? A. He was not in there, not while I was there.

Q. Not so far as you saw? A. No.

Q. How many men were there employed on those two lots? A. At one time he had about twenty, I think.

Q. That was about the average number? A. Just about.

Q. Did you know of any one having cut and removed the timber from lots 42 and 30, or either of them, of township 21? A. That is where the next job to us was, right in here; (indicating) I couldn't say whether he cut on to 30 or not.

Q. And who had that? A. Martin Allen.

Q. Martin L. Allen? A. I don't know whether it is "L" or not—Martin Allen.

Q. Your saw the cutting there at the same time? A. Yes.

Q. Last winter? A. Yes, he skidded right up to the line between him and us.

Q. Right up to the southerly line of lot 42? A. Yes, sir.

Q. And where was that timber delivered? A. The same place.

Q. For whom was that job done by Martin Allen? A. Pat Moynehan.

Q. Did any of this timber go into Clear pond? A. Well, he drewed it across Clear pond.

Q. It was drawn across Clear pond to Long lake? A. Yes, sir.

Q. How much timber was removed from lot 42? A. I couldn't tell you; I think, though he got about ten thousand in all.

Q. But from that one lot? A. No; that is as near as I know what lot he was on; he lumbered it right there, and I don't know how far the other way.

Q. You don't know how far his job extended? A. No.

Q. But you know he was on the lot joining to you? A. Yes, sir.

Q. Next north from you? A. Yes, sir.

Q. And what was the character of the timber which he cut? A. Spruce; I don't know whether he cut many pine or not.

Q. Upon the job upon which you worked, was there a clean cut made on the two lots of all the spruce and pine? A. Yes, sir; cut right through as far as we went.

Q. Have you any knowledge or information as to the lots upon which you worked last winter, as you have now testified, being State lands? A. No, sir; I know nothing about it.

Q. Did you ever hear the subject mentioned? A. No, sir.

Q. You know that the lots upon which you worked touched on one corner Clear pond? A. No, we didn't go down to Clear pond; Allen was next to Clear pond; we were at the side of the pond; we could see the pond.

By Mr. TEN Eyck:

Q. Did any of your lot, that you worked on, lay on Clear pond or Long lake? A. No.

Q. Well, look at the map there, and see if 54 does not lay on the lake—on Clear pond rather? A. It does, just on the corner there; I

will tell you just how that is now ; I just thought ; you see there is a ridge runs up here, and we worked to the top of the ridge, and Allen come here the other way to the top, and drawed that way, and we drawed the other way (indicating).

Q. Where does the ridge lay, between what? A. I think it must lay right on that lot 54.

Q. Do you know whether it does or not? A. Why, yes, it must.

Q. How do you know that it was lots 54 and 66 that you were working on? A. By the looks of the map.

Q. Is that all? A. That is all ; I told this gentleman.

Q. Was there any survey made of them that you know of? A. They were all surveyed out before we went in there.

Q. Before you went in there? A. Yes.

Q. And whose property did you go over to get to the lake, Long lake, with this timber that you cut there? A. I couldn't tell you whose property.

Q. Could you say that it was not lots 55 and 67? A. Yes, sir ; I could.

Q. Why? A. Because this is the furtherest ; it is not a mile and a half or a mile from here up there ; I am judging from the distance.

Q. Is that the only way that you locate those lots, 54 and 66, is by what you supposed the distance that you were working from the lake? A. Yes.

Q. Did you know that you were working on the State lands? A. No, sir.

Q. Did anybody tell you that you were? A. No, sir.

Q. Whose land did you hear it was? A. I supposed it belonged to Moynehan, that is what they all said it belonged to Moynehan, all the men that were working there.

Q. Well, who surveyed it out? A. I am quite sure that it was O. P. Morse.

Q. What did he say about the ownership? A. Well, I don't know what he said about it.

Q. Well, did you cut within the lines that he surveyed out? A. Yes, sir.

Q. Do I understand you now to swear as a positive fact that it was lots 54 and 66 that you were working on? A. No, sir; only just by what I see on the map, what I think is the ones.

Q. But you won't swear that those are the lots? A. No, sir; I won't take my oath on it.

By Chairman WILDS:

Q. But so far as that map shows the number of the lots upon which you were at work, you know that you were at work upon lots 66 and 54 of township 21? A. I think it must be; it is the only ones that I could see there that indicates it.

By Mr. TEN Eyck:

Q. Did you go up where Allen was working when you were at work on this? A. No, sir; they worked right along side of us.

Q. North of you? A. Yes.

Q. And you didn't go up on the lots that he was working on? A. No, sir.

Q. Then how do you know they were along side of Clear pond? A. You could look right down; the shanty was right there on Clear pond; we lumbered right aside of it.

Q. You could see Clear pond from where you were? A. Yes.

Q. Where were they cutting; could you see where they were cutting on Clear pond? A. Yes, they worked from the pond right up to us.

Q. Now where you saw Allen cutting on Clear pond, was it on the south or east, north or west side of Clear pond? A. It was on the west side I should say.

Q. The west side? A. Yes, there was none cut on the east side.

Q. Which is the west side there (indicates on map left hand side) ?

A. I should call that the west side.

Q. And they were cutting from the pond right up to you? A. Yes, sir.

Q. Now, from where you stood and looked down towards where they were cutting, did you also have a view up toward the north end of the lake from where you stood? A. The pond you mean.

Q. Yes? A. Well, yes, you could see the pond right through; you probably couldn't see much of it in here.

Q. But then you could see all the rest of it? A. Yes, a good deal of the rest of it; they were cutting right along here, right alongside of it.

Q. How far alongside of it? A. Well, their shanty, I should think, would be on this lot (42).

Q. Where was the shanty, on the north or east or west side of the pond? A. On the west side.

By Chairman WILDS:

Q. Near the pond? A. Yes.

By Mr. TEN EYCK:

Q. Was the timber standing on the lots to the right of you? A. Yes, it was timbered all the way up from the lake.

Q. From the pond up to where you were? A. Yes.

Chairman WILDS.—From Long Lake he means.

Mr. TEN EYCK—No, I mean the pond.

The WITNESS.—Yes, there was timber all the way.

Q. Where were you working, about in here (indicating)? A. I was working these two lots here, except that end; 54 and 66, we didn't work that end, because this mountain run up there; and then he worked up to us; that was just the way it was.

Q. Could you see the full length of the lake from where you stood? A. No.

Committee adjourned subject to call of chairman.

PROSPECT HOUSE,
BLUE MOUNTAIN LAKE, *August 27, 1895.* }

ISAAC KENWELL, being duly sworn, testified as follows :

Examined by Chairman WILDS :

Q. What is your full name, age and residence? A. Isaac Kenwell; 46 years old; I am a resident of Indian Lake, Hamilton county.

Q. What is your business? A. Farmer.

Q. How long have you lived at Indian Lake? A. I have lived at Indian Lake eight years, that is, I have lived there longer than that at different times, but eight years since I moved there last time; I lived some eleven years at Racquette Lake.

Q. Previous to your living at Indian Lake? A. Yes; before that I spent two years at Long Lake.

Q. So that altogether, for the last twenty years, you have lived in Hamilton county? A. I have lived in Hamilton county since 1869.

Q. What town, county or State offices have you held, and during what times? A. Well, I was justice of the peace of the town of Long Lake for three years, I think, I held that office; then I was State game protector for five years.

Q. During the five years immediately preceding May 1, 1895? A. Yes.

Q. And during the time of your residence in Hamilton county, and in the course of prosecution of your duties as game protector, have you become familiar with the location and bounds of State lands?

A. Well, that is a big question; the boundaries I can not describe more than in a general way; in this way I will explain it so that you will understand what I mean; the State lands, as I understand, mostly in this section are what was termed the "School and Gospel Lands," in the center of the townships; I would know where they were.

By Mr. NILES:

Q. Do you know how these lands reverted into the possession of the State? A. I understand some in our town reverted into the possession of the State through the Everson Lumber Company; I don't know who they are; I don't know where they got the title.

By Mr. ELDRIDGE:

Q. How long do you understand the State has owned the Gospel and School lands? A. I have no knowledge of that.

Stenographer reads question propounded by chairman.

A. Yes, I have, especially to township 40; I know all the lines on that, and I was there when part of that township was sold to the State; I remember the sale, the partition sale of the 7,000 acres on the northwest quarter; it commences north of Brown's tract inlet, then followed along the township line to the corner of 39; thence east along that line far enough to embrace that 7,000 acres, and then there was a south line back to the Raquette lake; they didn't run no line at that time; it was only a line on paper at that time.

Q. Do you know the location and bounds of the Gospel and School tract of township 32? A. Well, yes, I do.

Q. Do you know, or have you any information of trespasses thereon, in the nature of cutting or taking of timber therefrom? A. Well, the timber, all the soft timber, is cut off, excepting some hemlock; there is some hemlock timber left on that end.

Q. When was the soft timber cut from that lot, and by whom? A. Some was cut about, I think it was the year 1869 or 1870; the first cutting was done there by a man by the name of Gerard; then afterwards there was some cut by a man by the name of Parker, a little along on the westerly line; that was about twenty-three years ago; then there was some cut about fifteen or sixteen years ago, by a man by the name of Mitchell; then I think the last cutting was done two years ago.

Q. By Hosea G. Locke? A. Yes.

Q. And what was the extent of his cutting? A. Well, he cut all the spruce there was left, as near as I know, that is, all the marketable spruce; I won't say all the spruce, there may be some small spruce trees left.

Q. Did he cut over the whole tract? A. Well, all where there was any timber left I think pretty much, nearly all, there was some had been cut.

Q. How many acres are there in that tract? A. Well, I understood there were twelve hundred and some odd acres.

Q. Do you know how many market logs he took therefrom? A. No, I do not.

Q. You have no information thereof? A. No, I don't know about that.

Q. Do you know for whom that timber was cut? A. No, I do not really understand that.

Q. Did you ever hear Pat Moynehan's name mentioned in that connection? A. I think that T. D. Depan let the contract for the cutting.

Q. Did you ever hear Pat Moynehan's name mentioned in that connection? A. I think I have.

Q. Or A. C. Hall's? A. Yes, I think so; I understood, I don't know, but I understood that this man Depan was authorized, or got his right from them some way; I don't know what the arrangement was or nothing about it.

Q. Did you ever hear that from three thousand to five thousand market logs were taken from the Gospel and School lot of township 32 by Mr. Locke? A. Well, I should judge perhaps 3,000; I don't know the number; I didn't know it at the time, never knew the exact number.

Q. Do you know where the timber was delivered? A. Yes, delivered onto Indian lake.

Q. Do you know how the logs were marked? A. No, I don't remember that.

Q. Do you know who measured them? A. No.

Q. Have you ever known of any timber cutting on that Gospel and School lot by John J. Wakeley? A. No, I have not.

Q. Have you ever known of any timber cutting on the southeast quarter of township 32? A. Southeast, yes; that is a good while ago though.

Q. Has there been any timber cutting on the southeast quarter of township 32 within recent years? A. Not that I know of.

Q. The undivided half interest in which is owned by the State? A. I do not know of any cut there in a number of years.

Q. Do you know who is the owner of the other undivided half interest in the southeast corner of township 32? A. I understand that Parker & Thurston; I have understood that they have an interest in there, but there has been no lumbering done there in some time that I know of on that township.

Q. Do you know of the location and bounds of the Gospel and School lot of township 17? A. Yes.

Q. Have you any knowledge or information of any timber cut or taken from that lot? A. Yes; all cut, that is pretty much all the soft wood.

Q. How recently and by whom? A. Well, the first cutting that I remember of was done by a man by the name of Reed, William Reed.

Q. When was that? A. That must have been perhaps ten years ago, and there was a man by the name of Earl Starks, and there was a man by the name of Dowin Parker; Almon Parker cut timber there.

Q. If you know in each case the extent of the timber cutting by each of them, will you state the same? A. I don't know that; I don't know how much was cut; William Payne cut too, and Joel Brooks, everybody that wanted it, I guess.

Q. Do you know of Joel Brooks having cut timber there? A. Well, I have heard that he did, I didn't see him cut it, of course; I guess he had a contract from Mr. Depan.

Q. For T. D. Depan? A. Yes, I think so; I think that is the man that let the contract.

Q. Did Pat Moynehan have any interest in that timber cutting? A. He never appeared there in that; I think the money come from him that paid the job, I am not certain.

Q. Did you ever know of A. C. Hall having any interest in that timber cutting? A. No, they didn't appear there, they didn't come there at all.

Q. Do you know whether or not T. D. Depan was interested in that timber cutting by Joel Brooks on his own account or by others? A. I don't know, it is only supposition, I suppose he was an agent.

Q. Never mind the supposition? A. I don't know it, you know.

Q. Have you any knowledge on information on that subject? A. I understood from Brooks that he took the contract from Depan.

Q. Do you know who located the place of his cutting, the timber cutting? A. No, I do not.

Q. When did he cut timber from that lot? A. Well, if I remember right it was two years ago last winter.

Q. That is in 1893-94? A. Yes, I am not quite certain, but it was very recently.

Q. Do you know the extent of his trespass upon that lot? A. No, I don't know the amount that he cut, I don't know.

Q. Or the acreage cut over? A. No.

Q. Did he skin the lot of all the soft timber left? A. Well, that is about the way it is, I don't think there is any soft timber left of any amount, that is saleable timber, there might be small stumps, but I think the hard wood is all there yet; in fact, I know it is.

Q. How long is it since you were upon that lot? A. Last winter.

Q. What was its condition then as to timber? A. Well, there is some very fine wood on it, beautiful hard wood on that yet, as fine as it is anywhere, beech and maple.

Q. Is it well timbered with hard wood? A. Fairly well timbered with hard wood, yes.

Q. Is the Gospel and School tract of township 32 also well timbered with hard wood? A. Well, not so much hard wood as there is on this 17 tract I don't think; it lays on higher ground.

Q. Well, do these two tracts present the appearance of being timber tracts, or have they the appearance of having the timber clean cut from them? A. No, the timber is not clean cut, the hard wood and small timber is all there yet; if you look off on that, it would present the same appearance as this would, although you don't see the soft wood tops, spruce tops; there is some very nice hemlock on it yet.

Q. Is the value of those lots in your judgment impaired by the timber cutting that has been done thereon? A. Yes, they would be for the present, of course they are growing all the time, will be ready to lumber again in fifteen years, perhaps.

Q. Are those lots impaired in respect to their power of storage of water from the rainfall? A. No, I don't think they are materially; especially on 32 I don't think so because as I said that tract lays mostly on high ground where there is quite a growth of smaller spruce and smaller green trees that are coming on; it is not burned, and it presents a very good appearance, but the big timber is gone.

Q. Have you knowledge of the location of State lands in township 16, Totten & Crossfield purchase? A. Yes, I know 16 pretty fairly well.

Q. Do you know, or have you information of any trespasses upon any of the State lands in that township? A. Some one was skidding logs in there last winter or last fall, I was in there, I don't know who they were; I went down to see if there was any one killing deer, and I see there was a lumber job over on 16 on what I supposed was State land; I understood afterwards they stopped them; the logs are there yet.

Q. Do you know on what road that was? A. No, those lots, if I remember right, in the old survey were thousand acre lots.

Q. Yes, sir. A. And I do not know the number of the lots they were on, I couldn't tell. The first tier of lots along on the road there were burned ground, but I think this on the east side, it is a lot still further east than lot 24.

Q. Can you, by reference to the map of the Forest Commission, show the location of the trespass you refer to? (Shows witness map.)

By Mr. NILES:

Q. Do you know what quarter of the township it was in? A. Yes; somewhere in the southwest quarter, about lots 20 and 21; somewhere in there.

By Chairman WILDS:

Q. Was it on the cedar lot? A. Well, there was spruce and hemlock on that lot; I don't know but it is further over there.

Q. Did the roadway to which you refer, run longitudinally up through the lot? A. No, I didn't follow no road; I started right from here and went across right down through the woods to North river; didn't follow no road at all; I saw that they came in from that road; I crossed where they went into their lumbering job.

Q. You know that nearly the whole of township 16 is State lands? A. That is what I believe; yes, I tried to buy some sometime.

Q. Have you knowledge or information of any trespass on those lands? A. No, not last winter; there were some other companies lumbering, but I think they were on the township south of that, last winter.

Q. On Pond's survey of township 14? A. They were down on North river, right below 16.

Q. Pond's survey, in the northerly half of township 14, you mean? A. Yes; I don't know what lots they were on, State lots or other lots; I couldn't tell where they were lumbering.

Q. Have you given us all the information you can, regarding trespasses on township 16? A. Well, yes; I do not know of any lum-

bering that has been done on there except what was done on the railroad companies' land, several years before, eight or nine years before that.

By Mr. NILES:

Q. Do you know for whom that lumber taken from township 16 was put in? A. It was not put in, I don't think.

Q. Still on the ground? A. I think it is still on the skids there now; it ought to be attended to; there are some very nice logs there; I think the State stopped the cutting of logs there, and they had to go out and leave them.

By Chairman WILDS:

Q. Did you ever hear that the trespass to which you refer, was done by Charles Callahan and John A. Owens? A. I understood it was parties from the town of Minerva, Essex county, but who the parties were I didn't know.

Q. Do you know who stopped the trespass? A. No, I didn't know that; I think it was some of the State foresters; by the Forest Commission I think it was stopped.

Q. Have you knowledge of the bounds and location of State lands in township 13 of Totten & Crossfield purchase? A. Yes, sir.

Q. Have you knowledge or information of any trespasses committed upon any of the lots of the State lands there? A. I do not think there is much timber left; the last time I was through there I failed to find any timber; I do not know who cut it off.

Q. Let me go back, then, to township 16; what is the character of the existing timber upon township 16, Totten & Crossfield purchase; A. Well, the character of the timber on the northwest quarter, there is about half of that — two-thirds of it — burned ground, and there is about, perhaps — oh, I should judge 15,000 logs left on it yet; if they were cut off, spruce and hemlock on this side and a little over across the river.

Q. Well, how is the southeast quarter? A. The southeast quarter; well, there is not a great deal of lumber left on that; the best lumber is on the Kent lot.

Q. Do you mean that single lot which is owned one-half by Mrs. Kent and the other half by the State? A. Yes; I do not remember the number, but I have got it on paper, too.

Q. Lot 21? (Refers to paper.) A. Lot 21 is the Kent lot, as I understand it.

Q. And that is the only lot in the southwest quarter— A. There is some on the end of this lot here.

Q. Which lot? A. On 21 and on 20; there is quite a good deal of timber on the northerly lot 20, also on 19; some on 19.

Q. And what is the character of that timber? A. It is a second cut of spruce and hemlock.

Q. Well, do the lots in the southwest quarter of township 16 present a thickly wooded appearance? A. No, sir; they do not; lots 23 and 24 are all burned.

Q. All over? A. I think on the northerly end of the lots there is a little skirt of timber, but very small; there is, perhaps, on those two lots—I looked at them this summer—there is, perhaps, 100 markets of pine and some cedar; the southerly part of those lots 23 and 24 is all burned; on the south end down next to 14 is about one hundred acres on two lots of hard wood timber, but no soft wood in it; I should judge about one hundred acres on the end of each lot of hard wood timber left, and then you come into the burned ground, and it is burned off across through the center of the lots about the center of the lots.

Q. To what extent? A. Well, I should judge that there was over two-thirds of the acreage burned over.

Q. Of which lots—name them? A. Of 24 and 23, 22, 21, 20, 18, 19, 17, about one-quarter, and 16, about one-quarter, and then the rest is timber, the northern part of the lots.

Q. And how about lots 15, 14 and 13? A. Well, there is some timber and some burned ground there.

Q. Have you knowledge of any trespasses on any of these lots?

A. On the east side of the river?

Q. On the east side of the Hudson river? A. No, I have not.

Q. What is the character of the existing timber on the State lands of township 13? A. I call it mighty poor.

Q. Well, what is its character? A. The character of the timber that is left?

Q. Yes? A. It is simply small stuff that is left after being lumbered off very closely; that is, as a general rule, all over the township there is very little timber left; that is, except the hard wood.

Q. Have you knowledge or information of trespasses committed upon the State lots of that township? A. Well, there has been timber cut there, and there was timber cut there last year, but I understood it was on Freeman's lot.

Q. Have you knowledge or information of any trespass committed on the triangle of State lands in the southeast quarter of township 31, Totten & Crossfield purchase, around Siames' pond? A. I cut lumber there myself twenty-five years ago; twenty-six years ago.

Q. Trespassing on State lands? A. No, it was not trespassing at that time; that was when Van Dusen was lumbering there.

Q. You were simply working for another? A. Yes.

Q. And you didn't consider it a trespass then? A. No, I did not think it was at that time, twenty-five years ago.

Q. Have you knowledge or information of any recent cutting of timber upon that lot? A. A man named Robinson cut some up in there; it must have been mighty close to the line if it wasn't; I don't know who he lumbered for; I know he lumbered it in there; it must be about four years ago.

By Mr. NILES:

Q. Do you know what Robinson that was? A. No, I don't remember his name; he has left the country.

By Chairman WILDS :

Q. Is he Robinson of Long Lake? A. No, this Robinson, I think, went to Pennsylvania afterwards.

Q. Well, have you knowledge or information of any other trespass upon the State lands around Siamese ponds in township 31? A. No, sir; I have not.

Q. Have you knowledge or information of any trespass committed on the State lands in the gore south of township 31? A. No, I have not.

Q. Have you knowledge or information of the location and bounds of State lands in township 11, Totten & Crossfield purchase? A. I know where them lots are; I don't know of any lumbering being done there recently.

Q. Have you been upon lots 15, 16, 17, 32 and 34 of township 11 within recent years? A. I can not swear to the lots.

Q. Do you know of John J. Wakeley having cut any timber on those lots directly or indirectly? A. Well, I think that he lumbered on some of those lots, but I couldn't swear positively; I don't know positively as to that.

Q. Have you knowledge or information of the State lands of township 21, Totten & Crossfield purchase? A. That is Finche's.

Q. That is Long Lake? A. Yes, I know where the township is; I have been over it several times, across it.

Q. Well, do you know of the State lands located in that township? A. No, I don't know of the State lands in the township.

Q. Do you know where timber has been cut in that township within recent years? A. Yes, I think that Finch cut some on the westerly side of the south half within recent years.

Q. Do you know upon what lots? A. No, I don't know what lots.

Q. Do you mean from State lands? A. No, I don't know from State lands, not from State lands, they are always supposed to be pretty careful, that company is; they run out their lines when they lumber generally.

Q. Well, of what townships can you give us particular information of trespass? A. I couldn't give particular trespass on any township, I don't think, on account of not having lumbered myself in there.

Q. Have you no knowledge or information of trespasses committed on State lands? A. Well, any more than what I have already stated I haven't, I don't think.

Q. We have been advised that there is no man in this neighborhood better informed as to the location and bounds of State lands, and of trespasses committed thereon, than yourself; and we fail to discover, in the testimony you have given, any information whatever of value respecting such trespasses—and do you mean for us to understand that you have no particular information or knowledge of any such trespasses? A. I haven't worked on any State land.

Q. I am not asking you as to whether you are working on State lands? A. I haven't run any State lines, so that I could go on and describe a State lot outside of township 40; I could describe the lines there and know in particular if there had been trespass there, for I was acquainted with the lines, but on the lines in these burned districts, simply knowing that the people were lumbering, I paid no attention to it; I only know that a man was doing a lumber job for so and so, in such a section.

Q. Isn't it a matter of common knowledge that trespasses are frequent on State lands? A. Yes, I should say that that was the fact; I should judge that that was the fact.

Q. Well, do you not know of such trespasses yourself? A. Personally—not any further than I have already stated, I don't think; I didn't know the bargains or the arrangements or the surveys, more than from a general idea of traveling across the township; I generally know a township when I get on to it, you know; I didn't follow roads.

Q. Well, if the land in any lots in any of these townships were private land, it would be a matter of general knowledge, would it not?

A. Why, if it was private land, why we would suppose that they were lumbering their own property, of course.

Q. Answer the question—is there not a general knowledge of private ownership of lots? A. Oh, yes, yes; there is.

Q. And the location of such lots is well understood? A. Yes.

Q. And all the rest of the lots belong to the State; isn't that commonly known? A. I don't think so; I think that your undivided interest throughout the Forest Preserve—they are in pretty complicated shape; there is a great deal of land that there is a half interest in with the State, and it would be hard for me or anyone to find it.

Q. We have no information of any extensive ownership by the State with individuals of tracts of land? A. I think there is some in township 33—but they don't lumber them lots.

By MR. NILES:

Q. In your opinion are the State lands in the Adirondack Forest Preserve sufficiently marked? A. No, I know they are not, I could answer that very easy, I do not believe they are sufficiently marked, in fact I do not know where they are marked.

Q. Is the location and boundary of the lots readily ascertainable? A. No, sir; they are not.

Q. What local authorities, if any, have the information at their disposal for the benefit of the public? A. Well, I don't know where they are, without they would be maps in the clerk's office or something, where they could tell from the assessment roll or something; I do not know that they have them in the town; I don't know but there is a town map.

Q. Do you know of any place in the locality where you could go for information as to the State or private ownership? A. No, I do not.

Q. Have you any suggestions to make as to the preservation of the Forest Preserve from depredations? A. Well, I think that the lines of the forest lands, State lands, should be marked so that there would be no chance for people to cut over them without knowing.

Q. How marked; by signs? A. By signs and surveys; there should be surveys made; now for instance on 16, where it is all burned over, and there is no man living, whether a surveyor not, without he chains the land that he can tell one lot from another; there is no landmarks left.

Q. Well, how, in your opinion, could the boundaries be marked?

A. The only way that I know of would be by a survey.

Q. Do you think it would have any appreciable effect on the amount of depredations if the State lands were adequately marked? A. Why, if they were adequately marked so that any person could go on, and know that he had come to the land, and a fellow went cutting over there everybody would know it at once; now a man may tell us he is lumbering on his own lot, and he may be lumbering on State land; there is nothing to tell us.

Q. And, on the other hand, where there is rumor that a man is lumbering on State land, you have no way of determining to a certainty whether that is true or not? A. No, not without a survey.

Q. Have you any suggestion to make in regard to the improvement of the law for the guarding of the State preserve? A. Well, I think that they can improve that somewhat; I think they passed a very good bill last winter, that is, combining the two Commissions together; I think that so far as the Forest Preserve is concerned, that the two should go together, because the man who is looking after the timber interests could also look after the fish and game interests at the same time; they both go together; I think that part was all right.

Q. Well, do you think that in this extensive territory that the foresters can act as game wardens to advantage? A. I do; but we haven't any in this county; we haven't either a game or forest warden in this county.

Q. Do you think that the number of wardens should be increased?

A. Yes, sir; for instance Hamilton county alone is so extensive, there is so much forest land in it that there should be at least two men in the county.

Q. What do you think in regard to the rate of compensation now paid to the foresters? A. If the territories were divided up into districts, so that each man would have his district; and then by placing enough men in it, the compensation would be all right; but as it exists now, with the territory so large, so that he has a large traveling expense and has to hire outside help, it is not enough.

Q. Do you know whether it has been customary for the foresters in this section to devote their entire time to the business of looking after the State's interest. A. No; they never have done that; I won't say, I don't know; Mr. Fox might have done it.

Q. Do you think it is necessary that they should devote their entire time to it? A. Well, if they are going to preserve the forests, it is quite necessary.

Q. That is, even if the number were increased, as you suggest? A. Yes.

Q. You still think it would be necessary for the foresters to devote their entire time? A. Yes, sir; I think it would be necessary for the forester to travel over his district, every part of it, at least once a month.

BY MR. ELDRIDGE:

Q. You are referring now to the forest and game under the present law? A. Yes.

By Mr. NILES:

Q. What, in your opinion, is the local sentiment in regard to the preservation of the forests? A. Well, the local sentiment is, so far as I know, is that they think that the State should sell off the timber, their large timber, and that it should be lumbered off.

Q. Well, since this constitutional prohibition against the selling? A. Well, the local sentiment is entirely against that.

Q. Is it in favor of the preservation of the forest, or does it rather wink at the depredation? A. No; in favor of preservation as a general thing.

Q. In your opinion, are the depredations committed by individuals for their own benefit, or is it a combination? A. I think it is individuals for their own benefit; I don't think there is any combination, I don't think so.

Q. Do you think it would be possible; if a penal provision were attached to the present law, to enforce that within the section where the depredations took place? A. Oh, yes.

BY MR. ELDRIDGE:

Q. You spoke of the local sentiment in favor of allowing the large timber to be cut off? A. Yes.

Q. You have lived in this country you say twenty years; what do you think the result of that would be on the forest; would it have a good or bad effect, have a tendency to denude the forest or still preserve it as good as it is now? A. It would still preserve the forest if it was looked after as it should be; if there was a standard—that they should lumber to a certain standard and no lower, I would say 10 inches.

BY MR. NILES:

Q. Do you think that that could be done? A. Yes, I know that that could be done, for I know of lands that is in fairly good condition to-day that have been lumbered five times since I remember, and they are in fairly nice condition to-day, that is, a nice growth of timber on them to-day.

Q. Well, how have these depredations, concerning which you have testified, come to your knowledge? A. Well, my business as State game protector in going through the different sections of the forest land looking for violations of the Game Law, I had opportunity to go through all the lumbering districts, you know, pass through them.

Q. In the course of the discharge of your duties as game protector did you travel over the country? A. Yes, I traveled over—my duties largely were in the Forest Preserve.

Q. Well, over the whole Forest Preserve? A. No, not the whole of it, but I traveled largely over a greater portion of it.

Q. Over township 16? A. Oh, yes; I have been over 16.

Q. And 26? A. Twenty-six.

Q. Both Totten & Crossfield purchase? A. Yes.

Q. Township 30? A. Township 30—I have no recollection of township 30; I might have traveled over it, I don't remember.

Q. Well, have you, in the course of your travels, discovered trespasses on State lands? A. Well, there is the point that I never knew just where the State lands were.

By Mr. NILES:

Q. It wasn't your business to ascertain definitely? A. No; I didn't feel quite like going up to a man and say, "you are cutting on State land."

Q. And it would have been a matter of personal expense to you, I suppose, to ascertain the location of State lands? A. Yes, sir.

Q. At your own expense? A. At my own expense.

By Mr. TEN EYCK:

Q. You had nothing to do with that, any way? A. Nothing to do with it.

By Chairman WILDS:

Q. When were you subpoenaed for attendance before this committee? A. I think on Saturday.

Q. The 24th of August? A. Yes; I believe so.

Q. Have you, since service of subpoena upon you for this examination, had conversation with any person respecting the testimony which you might give here? A. I have not.

Q. Has any one said anything to you respecting the testimony you might give here? A. No; there has not.

Q. Have you given information to any one respecting the testimony that you might give here? A. No; for I didn't know that I had any that was worth anything.

By Mr. NILES:

Q. I want to ask you one more question; and that is, whether, in your opinion, it would be possible for a forester to obtain knowledge of these depredations without a personal inspection of the forest preserve? A. He would have to make an inspection, and if he supposed there was a violation on State lands, he would have to employ a surveyor, and run his line, and find out whether there was or not.

Q. What I want is, particularly, whether, in your opinion, information of the depredations would be liable to be brought to him, or would he have to go around and inspect the territory? A. Oh, he would have to inspect the territory.

Q. Isn't it a fact that the cutting of timber on State lands is a matter of sufficient notoriety, so that it would be bound to come to the ears of the State official without a personal inspection? A. Yes; that might be if the public knew where the State lands were; but I will tell you, as a rule, through this section, that there is very few people that knows what is the State lots; for instance, say here is township 20; there might be State land in that, for anything I know; but I understand it belongs to Finch, Pruyn & Co.; and most of these townships, there is a general impression if a man goes on to lumber it that that township belongs to a certain lumber company, and we do not know anything about the subdivisions.

By Mr. TEN EYCK:

Q. Are there cases in which the State owns the land, and some individual owns the timber on the land? A. Oh, I presume there is such.

By Mr. ELDRIDGE:

Q. Well, the State did sell timber up to how long ago? A. Well, up to when Basselin was in, certain.

By Mr. TEN EYCK:

Q. When did your duties as game protector cease? A. I think I received notice the 16th day of April.

Q. When do people generally prepare and commence their lumber jobs in this section? A. Well, generally from June till about the 1st of October; they commence to prepare some as early as June, and some as late as October, but generally in August and September as a rule.

Q. Who is the forester in this locality? A. We haven't got any that I know of.

Q. Who was? A. We never had any.

Q. Who attended to the duties up in this locality of forester, Hamilton county? A. Well, the only man I remember of looking it up very close was a man by the name of Lynch.

Q. Hasn't anybody been appointed either as forester or game protector since the new Commission went into office? A. No, sir; allow me to correct that; they did appoint one man one day.

By Mr. NILES:

Q. He was appointed and then removed? A. Yes.

By Mr. TEN EYCK:

Q. Who was that? A. David Helms.

Q. Since that time they haven't appointed anybody as you know of?
A. No.

JOEL BROOKS, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your full name, age, residence and occupation? A. Joel Brooks; my age is 54; residence, town of Indian Lake, Hamilton county; my occupation is mostly teaming on the road now.

Q. How long have you resided in Hamilton county. A. About forty years.

Q. Have you, during the last few years, been engaged upon any lumbering jobs? A. Three years ago, no, sir; two years ago last winter I had one small job.

Q. In township 17? A. Yes, sir.

Q. On the gospel and school tract? A. Supposed to be.

Q. Is that the only lumber job that you have had within recent years? A. I have had two drawing jobs aside from that.

Q. And where were they located? A. One of them was down the Cedar, down the 17th township.

Q. Down the Cedar river? A. Yes, sir.

Q. In the southeast quarter of township 17? A. Well, sir, I couldn't say fully; that was drawing by the hundred logs that were skidded; and then I worked for McGinn; that was drawing by the day; that was a year ago last winter.

Q. In township 17? A. No, sir.

Q. What township was that? A. I don't know as I know what township it is; it was way up the Cedar; I drewed for him by the day.

Q. Was it anywhere near the town of Indian River? A. No, sir; it was 14 miles above Cole's.

Q. Now what were the particulars of your timber job on the Gospel and School lot of township 17? A. What do you mean by that?

Q. By whom were you employed? A. T. D. Depan let me the job.

Q. And what was the job? A. It was to get what I could off from that land.

Q. You were to cut and skid and haul to the river? A. Cut and skid and haul to the river.

Q. To the Cedar river? A. Yes, sir.

Q. And this occurred in the year 1893? A. It was two years ago last winter.

Q. Eighteen hundred and ninety-three to four or 1892-3? A. Two years ago this last winter.

Q. How was that timber job located for you on the Gospel and School tract, and by whom? A. By T. D. Depan; he told me where the lines was, as near as he could, and told me to go there and do the job, and went there himself.

Q. And he told you that it was the Gospel and School lot? A. Yes, sir.

By Mr. NILES:

Q. Did he show you the line? A. He showed me where the lines come.

Q. Did he say anything as to the authority that he had for the cutting of timber from that Gospel and School lot? A. No, sir.

Q. Have you any knowledge or information as to any authority given to him for that purpose? A. No, sir.

Q. Did you ever see Tom Powers about while you were engaged upon that job? A. No, sir.

Q. Did any official of the State give you notice of the same being State land? A. No, sir, they did not.

Q. When did you first learn that that Gospel and School lot belonged to the State? A. Last winter.

Q. Did you cut over the whole of the Gospel and School tract? A. No, sir.

Q. How many acres did you cut over? A. Well, sir, I couldn't tell you; I didn't survey it out to see how many acres.

Q. You are able to approximate? A. Well, I should think likely somewhere about half a mile square; that would be 160 acres.

Q. And over that acreage you cut out what timber? A. I cut what spruce there was.

Q. Hemlock? A. No, sir; the hemlock and the first cut of spruce had been cut before, and this was second cutting of spruce all I got.

Q. Of what size? A. Well, it would take four for one, a little over.

Q. Four pieces for a market? A. Yes, sir.

Q. How many markets did you cut and haul from that lot? A. Well, sir, I couldn't tell you exactly; somewhere between one thousand five hundred and two thousand.

Q. Who measured the logs which were cut and hauled by you from that lot? A. A fellow by the name of Crandall.

Q. Of what place? A. I don't know.

Q. To whom were these logs delivered, to whom were they sold?

A. I don't know, sir.

Q. What mark was put upon them? A. Well, sir, I couldn't tell you that now.

By Mr. NILES:

Q. How were you paid, and who paid you, for your services? A.

T. D. Depan paid me.

Q. By the day or by the job? A. He paid me so much a market for putting them in.

By Chairman WILDS:

Q. Do you remember how much he paid you all together? A. I do not.

Q. Have you any means of refreshing your memory? A. Of how much he paid me?

Q. Yes? A. Not here, I have not; I don't know as I could if I was home.

By Mr. NILES:

Q. Did Depan pay you in cash? A. He paid me the money.

Q. Was it in cash, or by notes or checks? A. Checks and currency.

Q. Were those checks drawn to your order? A. I don't know, I suppose so, I suppose I had to sign the check when I let them go.

By Chairman WILDS:

Q. What was your second timber job to which you referred? A. Well, the drawing job.

Q. Yes? A. I took them to draw of Ed. Wilson.

By Mr. NILES:

Q. One moment; how were those checks cashed by you; you have no bank account, have you? A. No, sir.

Q. How were they cashed; by whom? A. I don't know who cashed them after I let them go; I would go to stores and trade it out and get money of them.

Q. Do you recollect of any store where you gave one of these checks? A. I couldn't say for certain now.

Q. Can't you recollect one? A. I do not think I could.

By Chairman WILDS:

Q. Has the timber been cut from the rest of the Gospel and School lot on which you lumbered? A. Well, it was all cut over before I lumbered.

Q. That was many years ago? A. That was fourteen years ago.

By Mr. WAGSTAFF:

Q. How about the second growth; has the second growth been cut off? A. No, sir; it has not.

By Chairman WILDS:

Q. Do you know of anyone else having cut and removed timber from that Gospel and School lot? A. Well, there was another man, that same winter, that had a small job.

Q. Who was that? A. William Payne.

Q. For whom did he have that job? A. The same man.

Q. Of what place is he? A. He is now at Raquette Lake

Q. Where does he belong? A. He belongs—he did belong in the town of Indian Lake, until here about two years ago he moved to Raquette.

Q. How much did he cut and take from that lot? A. I couldn't say, sir.

Q. Have you no knowledge or information? A. No, sir; I never have been over his job at all; and had nothing to do with it.

Q. Did he deliver the timber at the same place? A. He landed them on the Cedar river, just above where I did.

By Mr. WAGSTAFF:

Q. Do you know who measured his logs? A. The same man that measured mine.

By Chairman WILDS:

Q. Who else has done any lumbering on that lot? A. Not anybody that I know of.

Q. How many men did you have in your employ? A. I had six.

Q. Do you know how many men were in the employ of William Payne? A. No, sir.

By Mr. WAGSTAFF:

Q. How long did you cut in there? A. How long?

Q. Yes. A. How long a time was I doing this job?

Q. Yes. A. I was a little over a month cutting and piling, when I cut and piled.

By Chairman WILDS:

Q. What were the names of the men employed by you on the job?
A. Well, sir, two of them were two of my boys.

Q. Their names? Edward Brooks and Ernest Brooks.

Q. And the others? A. Walter Persons.

By Mr. WAGSTAFF:

Q. Who were the other three? A. Walter Ingalls, Allie O'Kane.

Q. All of Indian Lake? A. Yes, sir.

Q. Who else was employed? A. A fellow by the name of Jimmie Pond; they were all from Indian Lake but this Jimmie Pond.

Q. Where is he from? A. He was from Canada.

Q. Where is he now? A. I don't know where he is.

By Chairman WILDS:

Q. Did you ever see Pat Moynehan about while you were engaged on that job? A. Yes, sir, he came there.

Q. Well, what did he do there? A. He didn't do anything only to walk over the job, and look over where I had piled the logs.

Q. What directions did he give you? A. He told me to be sure and not cut over the line on to Sherman.

Q. Sherman owned the adjoining lots on which side? A. All around it.

Q. All around the Gospel and School lot? A. Yes, sir.

Q. Did he give you any other directions? A. No, sir.

Q. Did you ever see A. C. Hall there? A. No, sir.

By Mr. WAGSTAFF:

Q. Did you see anybody else there? A. Why, yes, I have seen several men there hunting and fishing.

Q. Oh, I mean in reference to this cutting? A. No, sir.

By Chairman WILDS:

Q. Did you receive directions as to your work from any other person? A. No other person only Depan.

Q. Was Moynahan in Depan's company? A. Yes, sir; both there together.

Q. How many times did you see him there? A. Only once.

Q. Do you remember when that visit occurred? A. Late in the fall; that is all I could tell you about it.

Q. Was it when you had first entered on your job? A. Yes, it was when I was piling the logs, cutting and skidding them.

Q. Before you had done much of the work? A. Oh, I had probably a thousand pieces cut and skidded at that time.

Q. Well, where was that hauling job? A. That was down the Cedar near Elm island.

By Mr. NILES:

Q. What lake is that Elm island in? A. It is in Cedar river, near the corner of the township 17, west corner.

By Chairman WILDS :

Q. Do you know who owns the land where that timber was cut?

A. Sherman claims to ; it was on the 17th township.

Q. From whom did you have the job? A. Ed. Wilson let me the job of drawing the logs.

By Mr. WAGSTAFF :

Q. Who was he cutting for, do you know? A. He was overseeing it for Hosea Locke.

By Chairman WILDS :

Q. By whom was the timber cut which you hauled? A. John Mitchell.

Q. When was it cut? A. I think it was four years ago this fall; I wouldn't be certain.

Q. How near to the township line between 17 and 33 was your job? A. This job?

Q. Yes? A. Well, it was a good ways from 33; it was six miles from 13; it is near the township line between 17 and 18, I think; it is 18 where the chain of lakes is, isn't it?

Q. Yes; was it over near the end of the lakes? A. It was on that side of the 17th township.

Q. Then it is on the east side of the 17th township, and not on the west side? A. I said that these logs were west of the corner pond.

Q. The job to which you are referring was west of the chain of lakes, in the 18th township of Totten & Crossfield purchase?

A. Well, I don't know whether it is west of the chain of lakes or not, but it is from this corner pond; it is quite a piece from this corner pond to the chain of lakes — some six miles, about.

By Mr. NILES :

Q. Was that on Sherman's land? A. That was on Sherman's land.

By Chairman WILDS:

Q. How much timber did you haul in that case, under that job?

A. Well, sir, I forget exactly how many; I think about three thousand markets.

Q. When was your other timber job? A. Well, I told you that was drawing for McGinn.

Q. Where is McGinn? A. He is way up the Cedar drawing by the day; that wasn't a job — only drawing by the day.

Q. Way up the Cedar how far — on the 33d township? A. It was on — I guess it was on the 33d.

Q. Where is it? A. It is right across from headquarters there — Buell valley, they called it.

Q. Was it in the northeast quarter of the 33d township? A. I couldn't say, sir.

Q. Was it along the Cedar river? A. Well, they hauled them out to the Cedar river.

Q. How long a haul did you have? A. Five miles.

Q. Did you ever hear any talk that that was State land? A. No, sir.

Q. Do you know who owned the land? A. Well, this company that McGinn is agent for pretends to own it — Finch.

Q. Trespasses on State lands are rather common, aren't they? A. Well, I don't know anything about it.

Q. Don't you hear a good deal on the subject? A. I never heard anything about it till very lately; last winter was the first I have heard of it.

By Mr. NILES:

Q. Did you know at the time that you started this timber job on that Gospel and School lot in township 17, that that was State land?

A. No, sir.

Q. Did you not know that if it was not State land that it belonged to the township? A. I know they called it Gospel and School land

and that was all I knew about it; I didn't know whether the State owned it or who owned it; he claimed he had a right to cut the logs and have them put in.

Q. Did he tell you on what ground he claimed the right? A. No, sir.

Q. Didn't you know that there was a law against cutting timber on State land? A. I didn't know anything about it till lately.

Q. Hadn't you ever heard that it was against the law to cut timber on State land? A. No, sir; I never heard anything about it till last winter, about its being against the law to cut timber anywhere on this northern country; that is, if a man wanted to cut; and if a man comes to me to let me a job on a piece of land, and I ask him if he has got any right to let that job, and he says he has, I suppose he has.

Q. And you make no further inquiry of him? A. Why, no.

By Mr. NILES:

Q. You say you didn't know whether it was State land? A. I didn't; they called it School and Gospel land; that is all I know about it.

Q. If you had known it was State land, you would still have gone on and cut it? A. No, sir.

By Chairman WILDS:

Q. You said that Mr. Depan informed you; what did he say? A. That he had a right to go there and cut those logs, and that it was the Gospel and School lands; I have always heard it called that.

By Mr. NILES:

Q. You also say that you didn't know there was any law against cutting on State lands; then why would you hesitate to go on State lands anywhere, and cut timber?

Mr. ELDRIDGE — He didn't say that, did he, exactly?

Mr. NILES — Let him answer the question.

Stenographer reads question.

By Chairman WILDS:

Q. You understand the question, don't you? A. I don't know whether I do or not.

By Mr. NILES:

Q. What don't you understand about it; I understood you to say that you didn't know that there was any law against cutting timber on State lands; if that was the fact, why would you hesitate against cutting anywhere on State lands, why wouldn't you go anywhere and cut timber? A. If a man sent me there to cut it, I should calculate that he had a right to send me there to cut it.

Q. Whether it was State land or not? A. I wouldn't suppose he would send me there unless he had a right to send me there.

Q. Well, supposing that you were informed that it was State land, and yet you got a job to cut the timber on it, would you go in and cut that timber? A. No, sir.

By Chairman WILDS:

Q. Why not? A. Not if I knew that it was State land and knew he had no right to send me there.

By Mr. NILES:

Q. Now why didn't you cut all the timber on that Gospel and School tract? A. Why didn't I?

Q. Yes. A. Because I wasn't there long enough.

Q. You were paid by the market, were you not? A. Yes.

Q. Why didn't you stay? A. Well, because I didn't stay only just that fall for a couple of months.

Q. Was there any limit in your contract as to the number of logs that you were to put in? A. Only just took what I could put in that fall.

Q. Was there any limit in your contract as to the number you should put in? A. Put in what I cut that fall.

Q. Isn't it a fact that the reason that you stopped cutting on that lot was because you were informed it was State lands? A. There never was no man said a word to me about it.

Q. Weren't you warned not to continue your job on that land? A. No, sir; there was nothing said about it.

By Chairman WILDS:

Q. You were called off your job there? A. No, sir.

By Mr. WAGSTAFF:

Q. Why did you stop cutting? A. I stopped cutting because I got done.

By Chairman WILDS:

Q. Did you get up to the line where William Payne was cutting? A. No, sir.

By Mr. NILES:

Q. Weren't you to be paid by Depan for every market that you put in? A. Wasn't I paid by him?

Q. Weren't you to be paid by him? A. Yes, sir; and he paid me what I put in.

Q. Why didn't you continue then if you were being paid for it? A. Because I got what I could that fall.

By Mr. WAGSTAFF:

Q. That is the snow was getting too deep? A. The snow was getting too deep to pile logs and I quit.

Q. And the snow was too deep to continue the cutting? A. Yes, and that ended the job; I went on and got what I could and that was the end of it.

By Chairman WILDS:

Q. Do you know of any other trespasses on State land than those of which you have testified, that is, by any person? A. No, sir.

The committee adjourned to meet at The Sagamore at Long Lake, N. Y., at 3 p. m., August 28th.

THE SAGAMORE,
LONG LAKE, N. Y., *August 28, 1895—3 P. M.* }

The committee met pursuant to adjournment.

ARCHIE T. FRENCH, being duly sworn, testified as follows :

Examined by Chairman WILDS:

Q. What is your name, age, residence and occupation? A. My name is Archie T. French; residence, Long Lake; occupation, harness maker; age, 33 years.

Q. How long have you lived at Long Lake? A. Thirty-two years more or less; I have been here all the time.

Q. Have you at any time been engaged in lumbering? A. Yes, sir.

Q. When and where? A. Well, I had a shingle mill up here, and I used to pick up quite a good deal of down timber, around at different places, where I could get it all around the lakes; and I bought some timber at one time of Mr. Butler around South pond, all around the shores of South pond, for a dollar a cord for the down timber that was there, and I bought enough for 160,000 shingles from the shores of South pond; it was dead timber, all that I got.

Q. When was that? A. It was either 1888 or 1889, I wouldn't say for certain which.

Q. In an affidavit that you made on the 10th of December, 1894, you referred to something of that kind as taking place in the winter of 1889 and 1890? A. Well, that was it, I guess, because I figured it out at that time.

Q. At that time you bought of—? A. Of Ed. Butler.

Q. Of Long Lake? A. Of Long Lake.

Q. Shingle timber from the land all around— A. All around South pond.

Q. On all sides of it? A. Yes, sir.

Q. North and south and east and west? A. Yes, sir, except one little strip—no, I won't except any—from all around it; there was one strip that he claimed he didn't own where it was cleared; of course there wasn't any timber there; but from all around South pond, where there was timber I cut it.

Q. And how many trees did you cut? A. Oh, I couldn't tell; I took lots of timber that was down, and perhaps I wouldn't get but very little out of down trees.

Q. Did you cut any standing timber? A. Yes, I did, a few.

Q. About how much? A. I couldn't tell for my life.

Q. How much timber altogether did you take from the lots all around South pond? A. Enough for one hundred and sixty thousand shingles or about.

Q. Well, about how many market logs would that make? A. Well, that would make—three market logs will make 5,000 shingles.

Q. Well then you took only a little over 15 market logs altogether? A. Well, that is what I took, enough to make 160,000 shingles altogether.

Q. Then that would take about 96 markets all together? A. Yes, sir.

Q. Did you know at the time of the State's ownership of the land on the east side of South pond? A. Well, Butler claimed to own it at that time; but along in the winter, I found out, from hearsay, and so on, that he didn't own it, that it belonged to the State; that is all I know about it.

Q. The South pond to which you refer is the pond of that name in the southwest corner of township 21, Totten & Crossfield purchase? (Shows witness map.) A. Yes, sir; that is it.

Q. On the east side of that pond lay the State lots known as lots 112 and 123 and a portion of 111? A. I don't think that I got but a

very little of timber on any of them lots, because there weren't but a very little there.

By Mr. NILES:

Q. That is on any of them? A. No, not very much.

Q. Well, there was standing timber upon those lots, was there not?
A. Yes, sir.

Q. An abundance of it? A. Not an abundance, quite a good deal.

Q. And you cut the timber into shingles? A. Into shingles.

Q. What did you pay for that timber? A. I was to pay a dollar a cord for it, but after I found that the man I bought it of didn't own it, I didn't pay nothing.

Q. And your claim that he didn't own the timber was based upon the fact that the timber was taken from State land? A. Well, from State and individual land other than him

By Chairman WILDS:

Q. Who were the individual owners of any part of the land around South pond, and where did their land lay? A. Well, there was—Finch, Pruyn & Co. owned on the south side quite a little, I don't know how much of the shore of the pond they took in, I don't know.

Q. Finch, Pruyn & Company's ownership, as I understand, was in the northwest quarter of township 19? A. Yes.

Q. Did you cut over the township line between township 21 and 19?
A. I couldn't tell you, the lines are not plain enough so that I could see the line, I don't know; I took what dead timber I could find all around the pond; I didn't get away from the pond, not over, well, I should say a third of a mile was the furthest I got away from the pond.

Q. All around it? A. All around it in different places; of course, I went where the timber was, and I do not think I got away from the pond a third of a mile in any one place.

Q. Was any claim ever made against you for pay for that timber?
A. No, sir.

By Mr. NILES:

Q. What kind of timber were you cutting? A. Pine timber.

By Mr. TEN EYCK:

Q. Was is dead or alive? A. Dead.

Q. All of it? A. Yes, sir.

By Chairman WILDS:

Q. You cut some standing timber? A. Yes, sir.

Q. Was that standing timber dead timber? A. Yes, sir; come to think of it, I did cut one tree that wasn't dead, but that is the only one.

Q. Is that the only transaction in timber that you ever had? A. Why, it is the only time I ever bought any of anybody; I have got timber out different times, different places.

Q. Have you ever cut timber? A. Yes.

Q. From what lots? A. Oh, I couldn't tell you.

Q. In township 21, Totten & Crossfield purchase? A. Yes, I believe it was.

Q. Do you remember having been employed by Ed. Butler to cut timber? A. Employed by Ed. Butler to cut timber?

Q. Yes. A. No, sir; I do not think I ever cut a stick of timber for him.

Q. Did you ever take a job from Ed. Butler? A. Oh, yes; I lumbered down here for Ed. Butler; I put in 2,000 markets of spruce logs for Ed. Butler.

Q. When was that job? A. That was four years ago last winter.

Q. In the winter of 1891-1892? A. Eighteen hundred and ninety-one and 1892, I believe, wasn't it, four years ago last winter?

Q. Four years ago last winter, would be the winter of 1890-1891? A. Well, that was it then.

Q. And what was your contract with Ed. Butler? A. That I was to put in thirteen-foot-six-inch logs for 70 cents a market.

Q. How many? A. As many as there was on the land that I was to clear; but of course we could not tell till after it was cut off how many there was, but I put in 2,000 markets.

Q. And not more than 2,000 markets? A. There might have been a few more, probably twenty-two hundred, or something like that.

Q. And the timber you now refer to was live, standing, healthy timber? A. Yes, sir.

Q. Which you cut and skidded and hauled for Ed. Butler? A. Yes, sir.

Q. From land in township 21, Totten & Crossfield patent? A. Yes, sir; it was down there about four miles down there—just opposite Round island. (Indicating.)

Q. From what lot? (Shows witness map.) A. I can not locate them lots because the islands are not marked there so that I can tell; that is the one; that is Round island; I got some timber on, I couldn't tell you which one.

Q. Sixty-one and 60? A. I did not.

By Mr. TEN EYCK:

Q. Were they 62 and 59 there, those white ones?

By Mr. NILES:

Q. How far from the lake? A. I think I cut on 62—either on 62 or 59, I wouldn't say which.

By Chairman WILDS:

Q. How far from the lake did you cut? A. I didn't go beyond half a mile on them lots, but down further I crossed a State lot, perhaps here—(indicating)—there somewhere; that had been lumbered before; I wanted to get that lot to clear, and Butler was trying to get it; but he didn't get it and so I didn't clear it.

By Mr. NILES:

Q. Did you go up opposite Camp island at all? A. No, sir; I didn't go down as far as that.

By Chairman WILDS:

Q. Are you certain as to the location of the land and the extent of your cutting? A. Well, I could locate every foot of it if I was there; I could take somebody there, but I can not swear whether I cut on State land or whether I didn't, because I didn't know what State land was—I didn't know anything about this land—how he got the land, or how he come by it, or anything about it; all I was supposed to do was to cut the timber that he asked me to.

Q. By reference to the Forest Commissioners' map of State lands, I call your attention to lots 60 and 61 of township 22, Totten & Cross-field patent, and ask you whether you cut any timber from those lots?

A. I do not believe I did—no, sir; I did not.

Q. And you base your statements upon what? A. That those lots that we did cut the timber on were surveyed out a short time ago, and they were good plain lines, and they were marked—every few rods there was a sign put up, so that we knew where we were.

Q. Did you know at the time of the cutting that State lands adjoined the lots? A. Yes, sir.

Q. On which you were engaged? A. Yes.

Q. How far back from the lake did you cut? A. I did not cut a half a mile.

Q. From Long lake, that is? A. No, sir, not there, but down the lake further; I had two separate jobs; I could show right where I cut by going down there, that is the only way I could.

Q. Who located the land from which the timber was cut there by you? A. I don't know.

Q. Did Ed. Butler? A. Ed. Butler; yes, he showed us where to cut.

Q. Who was engaged with you upon that job? A. Oh, my brother had a job, and we stayed in the same shanty, but his job was further down the lake.

Q. Who was engaged upon the same job with you? A. Who was working for me?

Q. Engaged on the same job with you? A. There was no one engaged — I had the job, but I had different men working for me.

Q. And who were they? A. That is what you want; well, Harry Sebattis was one that worked for me, Arthur Blanchard, Sylvester Cole; I cannot remember any more of the names; I have got them all on the books; I had quite a number of men more than that; I do not remember their names distinctly.

Q. How many altogether? A. Oh, I had probably 20 different men.

Q. Do your books show from what lots that timber was cut by you?

A. They do not.

Q. What do they show? A. All they show is the men's time, and their account, what they took up and so on.

Q. What other timber job have you had? A. I cut some dead timber down around Round pond.

Q. In what township? A. I couldn't tell you what township it was in. (Shows witness map.)

Q. In township 50? A. Fifty.

Q. On what side of Round pond was that job, and when was it? A. Oh, that was eight or ten years ago, I couldn't tell you exactly when that was.

Q. I don't care about that then; what timber jobs have you had during the last five years? A. Well, I have told you.

Q. Have you told all that you have had? A. Yes, sir; during the last five years I have told you all that I have had.

Q. Do you remember having been employed by Ed. Butler on the job on lot 112 of township 21? A. That is over to South pond.

Q. Yes? A. No; it is just as I have told you about that; that I bought the timber over all around the pond, the down dead timber from Ed. Butler.

Q. Were you not subsequently employed by him to cut timber from lot 112 of township 21? A. I believe he claimed to own that lot; he said he owned that lot.

Q. So, is it not a fact that you were employed by him to cut timber from that lot? A. No, sir, I do not think so.

Q. Well, what were the facts? A. The facts were that I bought the down timber around South pond.

Q. I am referring to your subsequent cutting of timber from lot 112? A. It is just as I have told you.

By Mr. NILES :

Q The chairman is asking you since that job, about your being employed to cut timber for him on that same lot? A. No, sir, I have not been.

By Chairman WILDS:

Q. Did you not take a job from Ed. Butler to cut timber from lot 112? A. No, sir, I did not; that must have been Bill Cross.

Q. Well, did you work for Bill Cross? No, sir, I did not.

Q. Did you work for any person on lot 112, township 21? A. No, sir; not since then, not since the one that I spoke of, that I told you.

Q. When you cut the dead timber? A. When I cut the dead timber; that is all the timber that I ever had to cut, or had anything to do with.

Q. Are you very certain? A. I am sure.

Q. Well, we have been well informed — A. Well, whoever has informed you has informed you wrong, because I haven't had anything to do with any timber since then, since I cut that dead timber.

Q. Have you had no transaction with Ed Butler in reference to timber or logs, whether the cutting, hauling, or other transaction in timber or logs since you bought the dead timber as you state? A. No, sir, I have not; I have told you all that I have had to do with that lot.

Q. From any lot? A. From any lot around South pond.

Q. I am referring to any lot in this township? A. That is except that job down there.

Q. Have you referred to the only jobs that you have had in reference to timber or logs? A. Within the last five years; yes sir; let me think a little; yes, sir; that is the only jobs that I have had for the last five years is what I told you.

Q. Either for the cutting, skidding or hauling of timber or logs? A. Either for the cutting, skidding or hauling of logs.

Q. Have you, of any standing timber? A. No, sir.

Q. From any lots? A. No, sir.

Q. Was any one engaged in the cutting of timber from the lots on the east side of South pond at the time that you were taking away the dead timber therefrom? A. Yes, sir.

Q. Who was so engaged? A. W. B. Jennings.

Q. By whom was he employed? A. I couldn't tell you.

Q. What timber was he cutting? A. He was following up my trail and cutting the green timber; I made the road and he went around and got the green timber, took the benefit of it.

Q. What kind of green timber? A. Fine timber.

Q. Is that all? A. That is all that I know of, I didn't know of his cutting anything else.

Q. What was done with the timber that he took out? A. He drew it to the shingle mill here in Long Lake.

Q. To your shingle mill? A. It wasn't mine at that time; yes, it was, at that time; but I sold it that same winter; it don't make any difference; it was to the shingle mill right over there; you can see it from here.

Q. How much timber did he take out? A. I couldn't tell you.

Q. Don't you know how much he delivered at your mill? A. I don't know because I sold the mill before the timber was cut, before the shingles were sawed, so I don't know.

Q. Can't you tell approximately? A. I couldn't tell nowhere near.

Q. Did he take out as much as you did? A. No, he didn't, I don't think, I don't think he did.

Q. By what right did he cut the timber? A. I never had no talk with him about it; I don't know what right he claimed to have; nothing about it; all I know that he cut it.

Q. How many men were employed by him? A. He had two men that I know of.

Q. Who were they? A. Joe Welch and Cornelius McCluskey.

Q. And that was in the winter of 1889 and 1890? A. Yes, sir.

Q. Do you know of W. W. Cole having cut timber from lot 112 of township 21? A. I couldn't positively swear that it was lot 112, but I heard them say it was; I know he had some logs cut on the east side of South pond.

Q. Lots 112, 124 and 123? A. I know he had some logs cut there.

Q. Do you know what timber he cut there, and when it was? A. It was in 1889 and 1890, the same winter that I was there.

By Mr. TEN Eyck:

Q. Do you mean that you know he had logs cut on these lots that he has mentioned? A. I couldn't swear that it was them lots; no, I couldn't, I don't know for certain.

By Chairman WILDS:

Q. You have stated that it was on the east side of South pond? A. Yes, sir, and it was within a half a mile; it wasn't a half a mile from the shore of South pond; I don't think it was a third of a mile.

By Mr. NILES:

Q. Did he cut down to the pond? A. No, not clear to the pond.

By Chairman WILDS:

Q. That was the same winter that you were cutting there? A. Yes, sir.

Q. And for whom was he cutting? A. I didn't hear; I understand though that he bought some logs of Ed. Butler; I don't know nothing about it; that is what I hear; I don't know anything about it.

Q. Did you ever hear of W. S. Cross cutting timber from those lots on the east side of South pond? A. I heard that he had a job there the next winter after I did.

Q. From whom? A. From Ed. Butler.

Q. Do you know what timber he cut? A. I don't know, I don't know anything about that only by hearsay; I didn't see that at all, I wasn't there.

Q. Have you been on the lot since? A. No, sir, only as I have went along the road.

Q. Do you know of Riley Plumley having cut on those lots on the east side of South pond? A. I do not, except that he had a job from Dave Helms.

Q. On those lots? A. I understood it was that way; that is, all I know is what I have heard.

Q. Who told you that? A. Well, I couldn't tell you; I heard it from lots of different persons.

Q. Well, you know that there is a large amount of State land in township 10, do you not? A. Well, I believe there is.

Q. Do you know of any timber cutting from this land? A. Oh, I have known of people to cut wood and so forth for their own benefit.

Q. Have you known of any timber cutting from the State lands of township 21 for the market? A. No, sir.

Q. By any person? A. No, sir; I do not; not except what I have been talking about.

Q. Have you given us your best information as to trespasses on State lands in this township? A. I have.

By Mr. NILES:

Q. How do you know that they were cutting on lot 112 on South pond? A. I didn't know only from hearsay.

By Chairman WILDS:

Q. He says he cut all around the pond? A. All around the pond; that is all I know about it.

By Mr. NILES :

Q. Did Butler tell you where you might cut? A. He told me that he owned timber all around the pond, and it didn't make any difference where I cut it, or very near all around; he didn't say he owned it all around, but very near; he said there wasn't enough of the shore that anybody else owned to make any difference; so there was no lines nor no way except to cut wherever the timber was, and that was what I done.

By Mr. TEN EYCK :

Q. What, if anything, did he say about the kind of timber that you were to cut? A. Yes; that I wasn't to cut anything but down timber, dead timber, dead pine.

DAVID HELMS, being duly sworn, testified as follows :

Examined by Chairman WILDS :

Q. What is your full name? A. David G. Helms.

Q. Age, residence and occupation? A. Well, my age is 43 years last January; my residence is at Long Lake; my occupation is a hotel keeper; I keep the Grove House up here at the head of the lake; my post-office address—I have a post-office in the house—is Grove, Hamilton county; but it is really in the town of Long Lake.

Q. How long have you lived at Long Lake? A. All my life; since I was 4 years old, with the exception of two winters.

Q. Have you at any time been engaged in lumbering? A. I have.

Q. On your own account? A. Yes, sir.

Q. And also for others? A. No.

Q. What has been the character of your lumbering occupation? A. Well, for the last three years I have owned a half interest in a small saw mill at the head of Long lake on South pond stream.

Q. That enters into Long lake? A. Yes, sir, just above my place there.

Q. And has your interest in lumber only existed during the last three years? A. That is all.

Q. Have you at any time been engaged in the purchase or sale of standing timber? A. I have not, only since 1892.

Q. Have you at any time been engaged in the cutting, skidding or hauling of timber or logs? A. Do you mean my own business or for others?

Q. Either. A. I have for myself, or for my mill.

Q. And you have been employed only during the last three years? A. That is all.

Q. Do you, in the course of your business, make any inquiry as to the place from which timber or logs are cut or taken? A. As to the place from which timber or logs are taken? Yes, I think I do, if I understand your question.

Q. Is it a matter of practice with you to investigate the source from which timber comes? A. It is in every instance where it is taken to my mill.

Q. Have you had knowledge or information of the cutting or taking of timber from State land at any time? A. Well, for what purpose, or where to be drawn, do you mean?

Q. My question is broad enough to cover all cases. A. I want to understand, that is all, before I answer you.

Q. And my question is intended to cover your full knowledge of the subject. A. I would like to hear that question again.

Stenographer reads question as follows: "Have you had knowledge or information of the cutting or taking of timber from State lands at any time?"

A. I should say yes.

Q. Will you give us as full a statement as you can of your knowledge or information as to the cutting or taking of timber or logs from State lands at any time within the past five years? A. Within the last five years?

Q. Or thereabouts? A. Well, sir, I can not exactly remember dates and so on, but I think that your former committee had my affidavit as to what I could swear to, and I presume that is here in evidence; I wouldn't like to try to repeat it to-day, for I don't know.

Q. Do I understand from your answer that you have been heretofore examined before any legislative investigating committee? A. I do not know whether you would term it a legislative investigating committee or not; I have been questioned in regard to certain things that have transpired heretofore in the woods.

Q. Well, we have not the knowledge or information to which you refer, and we should be glad to have from you your present statement of what you know on that subject? A. What I know would not amount to but very little, because, as I say, I have only kept track of my own business; of course I simply have tried to go straight myself; I do think that there has been some little bit of cutting on some of the State lots, or such as are reported as State lots, heretofore; but whether it has ever been investigated or settled, I couldn't say.

Q. Well, we have no concern as to any former investigation upon the subject; this is an original investigation, and we would like you, without any reservation whatever, to give us your fullest information as to trespasses on State lands? A. Well, sir; I know of nothing personally only what they call lot 66 up here; I understand there was some trespass on that, and, as I remember it, it was in 1892.

Q. It was in the year 1892? A. Eighteen hundred and ninety-two, yes, sir; and that was a very small matter, and, as I was informed later by men in authority, was settled up.

Q. Now please put out of your mind the whole matter of any alleged settlement for any trespass within your knowledge? A. Yes, sir.

Q. We would like to have your fullest information as to trespasses within township 21, whether you supposed such trespasses have been settled for or not? A. I understand.

Q. Now you say that you do know of a trespass on lot 66 of township 21? A. Well, what was reported as being on lot 66; I never run the lines, and never was on the lot, and I am only just judging from the location.

Q. Township 21, Totten & Crossfield purchase? A. Yes, sir.

Q. By whom was the trespass committed to which you refer? A. Well, the man that did the work, I understand, or the man that I found doing the work, was a Mr. Charles Sebattis of this town.

Q. And what was the extent of his trespass? A. I couldn't exactly say; it was not a very large matter, because it was stopped before he got very far.

Q. By whom? A. Myself.

Q. In what way? A. I went to Albany and stopped it.

Q. Whom did you see, and what did you do? A. I went and saw the Forest Commission in Albany; my reason for doing so was that I had a deed, a referee's deed of the lot, bought at a mortgage sale years ago; and I didn't know whether it was good for anything, I don't to-day; but that was my object in going down there; and as I say, as soon as I found out that trespass was being done, I went there and stopped it.

Q. What steps were taken to stop the cutting or taking of timber at that time? A. They simply stopped working; they drawed what logs were cut and skidded, and left the rest lying right there in the woods.

Q. Well, do you know what any State authority did in the matter? A. I know that there was a sale made down here to the village of those logs that were cut.

Q. By whom? A. By Mr. Powers; and they were sold to Mr. Butler at a public sale, here on my father's steps, down in the village at the hotel.

By Mr. NILES:

Q. Was any notice of that sale given? A. I couldn't say; I think it was; I think it was advertised a few days before or something like that; I know that I was there at the time.

By Chairman WILDS:

Q. In what way was advertisement of that sale given? A. I couldn't say whether notice was posted or not, but I know the logs were bid off there.

By Mr. NILES:

Q. How did you receive notice of it? A. I think through a general information that the logs were to be sold at that day; that is my impression now.

By Mr. TEN EYCK:

Q. Could that come unless there was a notice posted up? A. Well, it would, for this reason, that I was interested; for the reason, as I say, that I held the deed of the lot; and whether it is worth anything, that remains to be seen; I don't know; but I simply went there and stopped the lumbering for that purpose; not that I had anything against the men that were doing the work or anything else.

By Chairman WILDS:

Q. How much timber was taken from that lot? A. Well, that I couldn't say exactly; I think something in the neighborhood of a thousand pieces of logs; but I won't undertake to swear positively, because I am telling the truth as far as I can.

Q. How many markets; A. I never saw the measurement in my life; I couldn't say.

Q. Do you know by whom the measurement was made? A. I think it was a Mr. — it was someone here who was measuring for the Norwood Lumber Company, Barbour, I think it was.

Q. Do you know what the logs were sold for? A. I think they were to be at sixty cents, or something like that.

Q. Was that an upset price fixed by anyone? A. That was the highest bid that was made.

Q. Was that the only bid that was made? A. I think it was; yes, sir; I don't think any other man bid on them.

By Mr. NILES :

Q. Was anyone else present at the sale except yourself? A. Oh, yes; there were a good many other people present.

By Mr. TEN Eyck :

Q. Others had an opportunity to bid? A. Yes, any one that chose.

By Chairman WILDS :

Q. Who acted as auctioneer? A. I think Mr. Powers.

Q. You refer to Thomas Powers, the forester? A. Yes, sir.

By Mr. NILES :

Q. Is that, in your opinion, all the logs were worth? A. Yes, I do honestly think it was, and more than I would have given for the timber standing at the time.

By Chairman WILDS :

Q. How about the work of cutting? A. Of course Mr. Butler had been to this expense formerly.

Q. Was this cutting of timber on lot 66 by Charles Sebattis done for Ed Butler? A. As I understand it — yes, sir.

Q. Do you know who was engaged with Sebattis on that job? A. Do you mean the men he had working?

Q. Yes? A. I couldn't say.

Q. You can not tell how many? A. I could not.

Q. That all occurred in the year 1892? A. 1891 or 1892 — I can not tell exactly.

Q. Do you know of any other trespasses on State lands? (Shows witness map.) A. Well, sir, I couldn't be positive about anything that is worth talking about that I was in any way concerned in; I wouldn't have been in that one I spoke of, only, as I said, I had bought the lot at a sale, and thought that at some time they might be worth something to me.

By Mr. TEN EYCK :

Q. And you didn't propose to have them all cut off? A. No, I didn't — until we knew who owned it.

By Mr. NILES :

Q. You wouldn't have interfered if you had not been personally interested in the lot, would you? A. Well, no — I do not think I would — still, I don't know; I have never known of any great amount of trespassing being done.

By Chairman WILDS :

Q. How many acres were cut over on lot 66? A. I couldn't say.

Q. Haven't you been upon it since that trespass? A. I have been up there and looked the ground over, and went there for the purpose of stopping it — but that I couldn't answer; it was a very small part of the lot.

Q. Was the timber left on the lot sold with the timber that had been hauled from it? A. It was not at that time; no, sir.

Q. Was it at any other time? A. It was.

Q. By whom and when? A. It was sold by Mr. Powers, and to myself; the logs that were left remaining that had been skidded; I think they laid in the woods two years; I know they were quite well rotted when I got them.

Q. Were they good for anything when you bought them? A. Yes, a little; they were injured quite a little; I think there were one hundred markets left.

Q. And how much did you pay for them? A. Twenty-five dollars

Q. You bought them of Thomas Powers for \$25, the timber which had been cut by Charles Sebattis and left upon the lot? A. Left, not skidded, simply left lying there as it was felled.

Q. Lying where the timber fell? A. Yes.

By Mr. TEN EYCK :

Q. How long was this afterwards? A. Two years, I believe.

By Mr. WILDS:

Q. About three years ago? A. Yes, I think it was a year ago last winter I got the logs in, and I believe they laid there two winters before I got them; I am not certain; I wouldn't swear to that; but that is my remembrance of it.

Q. You know of a large portion of this township being composed of State lands? A. I do.

Q. Are trespasses upon those lands frequent? A. No, I do not think that we would reckon it so in the general sense.

Q. Well, what is the character of the trespasses of which you have knowledge or information? A. Well, sir, they are something of a very small character; this one that I am speaking of is the only one of any amount that I know of.

By Mr. TEN EYCK:

Q. What do you mean, trespasses for kindling wood or fire wood? A. Well, not entirely that, but if a man gets a load of logs or something like that.

By Chairman WILDS:

Q. For the market? A. No, there is no market logs sent out from here at all.

Q. Not from anywhere in this township? A. Not from State lands to my knowledge.

Q. You mean as far as you are informed? A. Yes, to my knowledge, that is what I say.

Q. So far as you are informed that is the fact? A. Yes, sir.

Q. Have you ever been over Owl's Head? A. I have.

Q. Don't you know of recent cutting of timber on the State lands there? A. No, I do not; I didn't know that they were cutting any timber there, I know they are cutting there.

Q. Haven't you known of the cutting of timber from lots 54 and 42 and 30 on the west side of Clear pond? (Shows witness map.) A. have not; no, sir.

Q. Have you known of Martin L. Allen cutting timber there? A. I know Martin L. Allen has a shanty on the other side of Clear pond.

Q. Immediately adjoining Clear pond? A. Right near Clear pond.

Q. Right on the lots adjoining? A. I couldn't say as to that, because I do not know where the lines run.

Q. You know the lots run to the pond? A. Yes, sir, I assume that, but I am just as ignorant of what he has done there as you are, to be frank and honest.

Q. Don't you know George Straight? A. Yes, sir, I know George Straight.

Q. Don't you know of his being engaged last winter in the cutting of timber from lots 54 and 42? A. I do not, I couldn't say where he cut his timber any more than you could; I know he worked up in here on a job for Mr. Moynahan.

Q. On the job immediately adjoining where Martin L. Allen was at work? A. Yes, I understand the two shanties there connected or something like that; but I was never to either shanty in my life.

Q. Have you been over lots 54, 42 and 30 recently? A. Well, where do they lay, let us see? (Witness shown map.) No, I haven't; I landed up there on the west of Clear pond last fall long enough to get some water from the brook, that is the only time I have been there in a year, and only just then landed on the shore

Q. Have you had knowledge or information of trespass on lots 112, 124 and 123 of township 21? A. On 112 I have had something, but nothing recently; the others I have not.

Q. Haven't all the lots on the east side of South pond, located in the southwest quarter of township 21, been lumbered over? A. East side of South pond? No, sir; I think not.

Q. Don't you know of anyone's having cut timber over any of those lots? A. I said 172 had been lumbered; I made a report in regard to that, I guess.

Q. When was that; I refer to when the lots were lumbered? A. Well, it was being done at the time that I made this report about lot 66.

Q. Somewhere about three or four years ago? A. I think it was 1891 or 1892.

Q. And by whom was that trespass? A. Well, as I understand it, Mr. Butler was the man that put in those logs at the time that they were getting timber for this house.

Q. Was the lumber taken from that lot used in the construction of this house, known as "The Sagamore"? A. I think it was, but I couldn't swear, but that is my opinion.

Q. And it was live, growing timber that was cut? A. I should say it was, a part of it.

Q. By whom was that timber cut? A. Well, I think it was cut by Riley Plumley; John Rickardson, he was one of the men that worked on the job; I couldn't say as to the others, but I think that those were two of the men.

By Mr. TEN EYCK:

Q. Was it cut from State lands? A. Well, as I understand it, yes.

Q. Was it State lands at that time, or was it claimed by individuals? A. I think it was claimed as State lands at that time.

By Chairman WILDS:

Q. Do you know of Archie T. French having cut timber there? A. Yes, I think he did cut some timber off from that lot, some down pine or something like that.

Q. Do you know of W. S. Cross or W. W. Cole having cut timber from those lots on the east side? A. Well, Cross, as I understand, was the man that employed Plumley, and Rickardson was working for Butler at the time those logs were put in.

Q. Do you know of W. W. Cole having cut timber from those lots? A. I think Cole cut a couple hundred pieces of spruce on 112 at one time, or thereabouts; I cannot exactly remember now.

Q. Do you know when? A. I couldn't tell you the date.

Q. But within five years? A. Well, it is all of five years, and I don't know, but more, since he cut it.

Q. And when did Cross cut? A. I think it was in 1891 or 1892; it was at the same time that this lot 66 was in question; I can not tell you what year it was.

Q. Do you know of any timber having been cut or taken from lot 101 of township 21? A. I do, yes, sir.

Q. When and by whom? A. Myself; a year ago last winter, in the winter of 1894.

Q. How did you come to cut the timber from that State land? A. How did I?

Q. Yes. A. Well, in the first place, Mr. John Burke of Ballston, the attorney of the Forest Commission, came to my hotel and I was talking with him, and he left me a little book with directions, and told me at the time that there were provisions made whereby people could buy timber from State lots; and I went down to Albany, and took a man with me, and went in the Forest Commission room, and Mr. McCreedy, the secretary, wrote a letter for me, making the bid for timber on lot 101; the agreement was that I was to pay \$30 a hundred, or 30 cents per market, for that timber; I wasn't to cut anything under 12 inches in diameter on the stump; I wasn't to make any slashes.

By Mr. NILES:

Q. What do you mean by slashes? A. I mean not to cut down any unnecessary timber, only just what was necessary to get them out; and after going down there and making my bid, I came back home, and cut and skidded two hundred and fifty-nine and some hundredths—I think I called it 260 markets of spruce on that lot, and had them measured according to agreement that I made there with them, had them measured by a disinterested party; I gave the measurement to Mr. Powers, and then he told me that they had decided that this Forest Commission did not have a right to sell timber, and that I would have

to let the matter go; and I offered him the money on that day that he took the measurements—and then, within a short time after that, Mr. Powers came up and brought another man with him, and sold the logs to a third party.

By Chairman WILDS:

Q. To whom? A. Mr. Collins, of Newcomb.

Q. M. C. Collins? A. Yes, sir; I went back to Albany and took a man with me, and went in the Forest Commission room, and offered to pay there for the logs, and they said there that I would have to settle it up with the man that Mr. Powers had made the deal with; I came back and waited nearly a year, and finally I made a settlement with Mr. Collins for the timber and paid him.

Q. Could you have bought the logs at the time that Collins bought them—was it an open sale? A. They didn't give me any notice—no, sir; I wasn't in town at the time; I was away, collecting taxes; was over in the south part of the county; and it is claimed that they could not have sold them to me any way; I understand they reported me down on the books in Albany as a willful trespasser; if I am, I don't know what way a man is going to work to go straight, because, if I was going to steal logs, I wouldn't go to the Commission room and advertise it.

Q. Do I understand you correctly as stating that you, before you entered upon lot 101 of township 21, Totten & Crossfield purchase, went to the Forest Commissioners and made to them in writing a bid for timber to be cut and taken from that lot? A. I do say so—yes, sir.

Q. A bid of 30 cents a market? A. Yes.

Q. For all the timber on that lot? A. Well, the amount was not specified—of course it wasn't nearly all cut—there is a whole lot left there yet; I only cut a small amount of it; but I supposed at the time that I was to have the timber on the lot—that was my idea of it.

Q. With whom was that transaction at the Forest Commission of fice? A. Well, I couldn't exactly say—I think, but I ain't sure, that

Col. Fox was in there that day, and I think Mr. Doyle, the ex-secretary, or whatever he was, was in there; assistant secretary McCreedy was the man that wrote the letter making the bid.

Q. And did you have conversation with Colonel Fox in reference to your proposed purchase of that timber? A. I did later; I did not at that time, not more than what was the general talk in the room that day, and in fact I couldn't say for certain that the Colonel was in there at that time. I know Mr. McCreedy was there, and I think Mr. Doyle was there.

Q. And did you receive from any one authority to enter upon that lot and cut timber therefrom? A. Did I receive it in writing? I did not.

Q. Did you receive it verbally? A. I did not.

Q. How, then, did you come to enter upon the lot? A. Well, because you know very well about this lumbering business up here; you know you have got to put logs in when there is snow, or you can not at all; it was in December I went down there, and Mr. Powers was back and forth two or three times in the winter; and there was no intimation given to me of anything being out of the way until the time came for logs to be measured; and besides—

By Mr. NILES:

Q. You say that you made a bid of 30 cents a market? A. I did.

Q. To whom did you make that offer? A. Mr. McCreedy made that bid in writing; I don't know who it went to, I am sure; he was the man that wrote the letter.

Q. And you signed the letter? A. I did.

Q. And you received from no one any reply to that letter? A. No, not directly, I did not.

Q. You then entered upon the lot without express authority? A. I supposed I did, yes.

Q. Did you suppose, from your failure to hear in reply to that bid, that the bid had been accepted? A. I did suppose so, yes, sir; I

supposed it was all understood; and from what Mr. Weed told the Forest Commission in my presence in May, this year, it was accepted.

By Mr. TEN EYCK:

Q. What Weed is that? A. William Weed; one of the present Commission, and one of the ex-commissioners too; you see, I had every reason to think I was right from the fact that their lawyer had come and told me that they were making terms to sell timber.

By Chairman WILDS:

Q. You refer to John H. Burke? A. I do; I never knew that anything was going crooked or wrong until the time came when Mr Powers came and took measurements of my logs.

Q. Mr. Burke was the forest inspector? A. He was attorney for the Forest Commission, as I understand it.

Q. And the forest inspector? A. I think so, I could not say as to that.

Q. Did he give you any written rules or regulations or terms? A. He did leave a little pamphlet there, prescribing the rules whereby timber might be cut on State lands.

Q. Have you that pamphlet now? A. I don't know whether I can find it or not.

Q. If you can I wish you would produce it. A. I am sure I haven't got it by me now.

Q. I know; but, if you can I wish you would produce it. A. It was a very small sheet.

Q. Immediately after your visit at the Forest Commissioners' office in Albany, as I understand, you entered upon the land? A. Oh, within a month I should say.

Q. And that was in the fall of what year? A. Eighteen hundred and ninety-four I think.

Q. In the fall of 1894? A. Yes, sir; no, it was in the fall of 1893.

Q. In the fall of 1893? A. Yes, sir.

Q. Over how many acres did you cut? A. Oh, I should say probably twenty-five, I couldn't say exactly.

Q. And, as I understand, the timber which you cut was hauled by you from the lot? A. Yes, sir.

Q. And delivered where? A. To my mill.

Q. And was there seized by Thomas Powers? A. Was there seized and sold; yes, sir.

Q. During your absence from Long Lake? A. Yes, sir

Q. And what notice of sale was given? A. None to me.

Q. Did you know of any advertisement of sale? A. I do not, I do not think there was.

Q. Do you know at what price the timber was sold? A. I couldn't say what price it was sold at.

Q. The timber was bought, while laying at your mill, by M. C. Collins? A. M. C. Collins, yes.

Q. From Thomas Powers, forester? A. Yes.

Q. Did he remove it? A. No.

Q. From your mill? A. He did not.

Q. How long thereafter was it before you made a deal with Collins by which you became the owner of that timber? A. Well, sir, I had a conversation with him within ten days; we finally made a settlement last April, when we agreed finally on the price.

Q. And what was the price? A. Fifty cents a market.

Q. And then did you pay him that amount? A. I have his receipt to show.

By Mr. TEN EYCK:

Q. This Collins' receipt? A. Yes.

By Chairman WILDS:

Q. Did you have any further or other trouble in reference to that timber, from any source? A. I did not, except that I tried to settle it in Albany once or twice before I affected this settlement with Collins.

Q. What did you do about it? A. Well, I went there and offered, tendered the money, the same as my bid was for it? I did that in April of 1894, directly after the timber was cut, before it had ever been sawed or touched or anything.

Q. What do you consider would have been a fair and full price for the timber? A. Why, I considered that I gave all it was worth when I bought it; all that I would have given, all that I would give to-day for timber standing right side of it.

Q. That is 50 cents a market? A. Thirty cents.

By Mr. ELDRIDGE:

Q. On the stump? A. Yes, trees growing.

By Chairman WILDS:

Q. And you subsequently gave Collins 50 cents per market? A. I did.

Q. Twenty cents more than you deemed the timber worth? A. Twenty cents more than I bought it for.

Q. Twenty cents more than you deemed the timber worth? A. Well, no, not after I had been to the extra expense of skidding it, and drawing it into my mill; surely not; I thought I better pay that than to not get it.

By Mr. NILES:

Q. You had paid the expense of cutting and hauling? A. Yes, sir.

By Chairman WILDS:

Q. And you, in addition to that, paid Collins 20 cents per market more than you had bid for the timber standing? A. I did, yes, sir.

Q. What, then, do you consider would have been a fair, full price for the timber? A. Why, I considered I gave him all it was worth, or all any sane man would give for timber standing in that place, 30 cents, what my first bid was.

Q. Well, after you had had the trouble of cutting, skidding and hauling that timber, what was that timber fairly worth? A. In the mill there?

Q. Yes. A. Oh, probably a dollar a market after it was cut and hauled there; it would not have been worth that to anyone else, because there couldn't anyone have drawn it away for any price, it being just a little bit and just up there at one end of the town alone.

Q. The M. C. Collins to whom you refer is of Newcomb? A. Yes.

Q. Do you know also of any trespass committed by anyone on lot 92 of township 21? A. I do not.

Q. Or on lots 46 or 58 of township 21? A. I do not even know where they lay; no, sir, I couldn't tell you a thing about them.

Q. Have you ever heard of any trespass there committed by one Richardson? A. I have not.

Q. Do you know Rickardson? A. Rickardson? there is no such man; Rickardson, isn't it?

Q. Perhaps it is Rickardson? A. I know Rickardson, yes; a man that formerly lived in the town here, if that is the man.

Q. Where is he now? A. He is up at Brant's lake with the Brandreth party, guiding them; I couldn't tell you any more than you could about this; I have been mainly interested in my own business.

Q. Do you know Warren Cole? A. I do.

Q. Have you ever heard of his having committed any trespass on lot 46, township 21? A. I have not.

Q. Do you know John Robinson? A. Yes, sir.

Q. Have you ever heard of his having committed any trespass on lot 47 of township 21? A. No, sir.

Q. This is all in this township 21, Totten & Crossfield purchase? A. Yes, I understand that.

Q. Do you know Lewis Jennings? A. Yes, sir.

Q Have you ever heard of his having committed any trespass?
A. I never have.

Q. Did you ever hear of any timber cut by him from State lands having been seized by Thomas Powers? A. No, sir.

Q. Did you ever know of any sale of timber to Walter D. Jennings?
A. I do not; I think I did hear something about it, but it happened as I remember it, that I was away at that time, that Mr. Powers sold the logs that I have been cutting.

Q. Walter Jennings is the son of Lewis Jennings? A. He is the father.

Q. He is the father of Lewis Jennings? A. Yes.

Q. Did you ever know of any timber cut by Rickardson from State land? A. I do not.

Q. Having been sold by Thomas Powers? A. No, sir.

Q. Do you know whether any other timber was sold to M. C. Collins at the same time that the timber which was cut by you from lot 101 was sold to M. C. Collins? A. I do not.

Q. Did you buy from M. C. Collins any other timber than that which you had personally cut? A. I did not.

Q. You have testified concerning timber cut by Charles Sebattis from lot 66 of township 21? A. Yes, sir.

Q. He was foreman for Ed Butler? A. Yes.

Q. The timber that he cut was seized by Thomas Powers, as I understand it? A. That is the way I understand it; yes.

Q. And the logs sold to whom? A. To Mr. Butler, part of them, what were cut and skidded at the time. —

Q. I call your attention to lot 108 of township 21; do you know of any trespass committed on that lot? A. I do not; it would take me some time to figure out even where the lot lays; on what tier is it; the same as 112? (Map shown witness.)

Q. That would lay up next to the back line of the township, wouldn't it? A. No, I do not; no, sir; I couldn't tell you any more about it than you could yourself.

Q. Is William Helms any relative of yours? A. My father.

Q. Do you know of his having cut timber from lot 124, this township? A. I do.

Q. When was that? A. Oh, it must be six or seven years ago.

Q. Was it in 1890 or 1891? A. About that time, I think; I am not sure.

Q. How much timber did he cut? A. That I couldn't say; it was some down timber, some pine that had been chopped down by other people years before, and some dead timber, and so on; I don't think he cut any green timber at all, although I don't know; I know a part of the logs were drawn to my mill to be sawed.

Q. What was done with the timber which he cut? A. I think he used it; it was never shipped away from here; I am sure it was used right around the town here.

Q. Was it ever seized? A. I couldn't say as to that; I don't know whether he ever effected a settlement with Powers for it or not; I couldn't say.

Q. Didn't he also commit trespass there on that same lot in 1893? A. I don't know that he did; I don't think so.

Q. Did you ever hear of the timber which was cut by William Helms from that lot, having been seized and advertised for sale? A. I think that there was some deal or something like that; that Mr. Powers measured the logs, or something like that; I couldn't say as to exactly what was done.

Q. Do you know how much timber was taken by William Helms from that lot? A. As I remember, it was something like fifty marks; but I couldn't be positive.

Q. In both cases of trespass together? A. I didn't know that there was any case reported, only the one, and didn't know before that that was reported.

Q. Did you ever hear of any settlement having been made with Thomas Powers for any alleged trespass by William Helms upon that

lot? A. I know there was a talk about it; whether they ever came to a settlement I could not say; but my impression is that they did; I won't be sure; I know father spoke to me about it once, but it was quite a spell ago.

Q. How did he come to cut timber there? A. Because he had a referee's deed of the lot; bought it at sheriff's sale, the same as I have for 101 and seven or eight of these lots up here.

Q. How old was that deed? A. I don't know; I have one of them in my pocket.

Q. I mean of your father's? A. They were all got at the same time; I have mine here; I have his up home.

(Witness produces referee's deed, made by Thomas W. McArthur, referee, to David Helms, dated December 12, 1888; recorded in Hamilton county clerk's office November 13, 18—, at 11 a. m., in book of deeds number 22, at page 45; purporting to convey all the following described lots, pieces, or parcels of land, situate, lying and being in township 21, Totten & Crossfield purchase, county of Hamilton, N. Y., to wit: Lots 66, 92, 101, 113, also 198 acres of land, being what remains after excepting water, in the northeast corner of lot number 62 in said township and purchase; also 133 acres of land, being what remains after excepting water, in the south part of lot number 77 in said township and purchase; also 100 acres of land, being what remains after excepting water, through the center of lot number 86 in said township and purchase.)

A. Of course, I do not know anything about the value of this; if Van Dusen had any interest in these lots, of course I had it; but I didn't presume on that title at all; if I had, I certainly should not have gone to Albany to buy logs.

Q. What is the consideration stated in that deed? A. That I paid?

Q. Yes. A. One dollar each, I guess.

Q. One dollar per lot? A. Yes; I know I went clear to Northville to buy.

Q. Do you know of any other trespasses in township 21, Totten & Crossfield purchase? A. Outside of what you have asked me?

Q. Yes? A. I do not; of course this on 66 and 112; 112 joins my lot, and I had to know it from the fact that logs were drawn right by it.

Q. You own lot 100? A. I do.

Q. And live upon it? A. No, I live on 88; I own the easterly half of 88 and also the whole of 100.

Q. Who owns lot 89? A. I think that is different parties, Hough and Palmer; it is a resident lot as I remember it, joins nine on the side this way; I have the receipt here to produce, if you wish to see it, of this timber that I paid for.

Q. That is all right; you mean that you bought of Collins? A. Yes.

Q. Is it your belief that there are few, if any, trespasses in township 21, upon State lands, for the purpose of cutting and hauling timber therefrom for the market? A. No, sir; it is my belief that there is none practically; I do not think any is being done except for home use; I do not know of a log ever being run out here.

Q. Would any timber that is cut from the State lands of township 21 be run out from Long Lake? It would have to be if it was run
o at all.

By Mr. NILES:

Q. What would your knowledge amount to. It appears from the testimony that we have taken here, and from the affidavits filed in the Comptroller's office, that large trespasses have taken place within recent years in the neighborhood of Clear pond and South pond, in this town, and yet you say you know of none? A. Well, the only thing in the neighborhood of South pond is what, as I say, was taken away from lot 112, and the lumber was used, so far as I know, in the building of this house, and also from lot 66; I do not think that the logs were ever run out of here.

Q. Well, would that apply also to Clear pond? A. Clear pond; I don't know; my honest conviction is that there haven't ever been any logs taken from these lots.

By Chairman WILDS:

Q. But you cannot speak from personal knowledge? A. No.

By Mr. NILES:

Q. For that reason; I ask you, what would your knowledge amount to; that is, are you in position to know of such trespasses if they are committed, in the face of the fact that various trespasses have been committed of which you claim to have no knowledge? A. Well, I have given you my evidence and all I know in regard to two lots, 66 and 112.

Stenographer reads question.

A. I am sure that is for you to judge; I can not say; I do not know where the lot lines are about here; and I do not know what the extent of the trespass is.

Q. Are you in a position to know of such trespasses as do take place? A. Only as regards what I have testified to.

By Chairman WILDS:

Q. Mr. Niles means, do you claim to be in a position to know of trespasses, in case such trespasses are in fact committed, or have been committed, on lands in this township? A. I think I am in that position; yes, sir.

By Mr. TEN EYCK:

Q. But all you know of is the two you have spoken of? A. Yes, sir; I do think if any one was doing any lumber jobs of any account, I would have heard of it.

By Chairman WILDS:

Q. Do you know Robert Shaw? A. I do.

Q. Did you ever hear of his having made trespass on lot 108 of this township? A. I have not.

Q. It is your opinion then that the people of this section are rather observant of the rights of the State in respect to the lots belonging to the State? A. I do think so, as a rule; yes, sir; I think our forests show it; I do not think any one has ever gone in for any lumbering for market purposes.

Q. Well, do you think that trespasses are frequent for the purpose of cutting and taking timber from State lands for firewood? A. Yes, sir; I think people are taking firewood right along where they want it.

By Mr. NILES:

Q. Do they cut dead timber for that? A. Well, no, not as a rule; they cut green timber.

Q. And such trespasses are very frequent? A. That is my conviction that they are; yes, sir.

Q. And in the aggregate such trespasses, if they are common, must amount to a very considerable item? A. Well, that depends upon whether you value hard wood timber at anything large or not; it certainly would not be worth anything to ship away to market; you couldn't float it, if you wanted to; there is no way of working it up for home use, as far as that is concerned, except for firewood.

Q. Do you think that people generally, in this township, take their firewood from State land? A. Oh, no; I couldn't say as to that; I think there are some instances where they do; and where others own timber they take it from their own.

Q. Don't you think it a rule, a general rule, that timber is taken from State land by the people of this township? A. Well, for fire purposes you mean?

Q. For firewood purposes? A. Well, probably there are more that gets their wood from the State land than does from their own, I should say as a rule.

Q. Don't you think that the majority of people in this township take their firewood from State land? A. The majority—I couldn't say as to that; no, I don't think they do; I guess there is as many

that has their own timber, or more, or nearly as many ; perhaps there is more that cuts it on State lands ?

Q. How many people are there in this township 22? A. Oh, there is probably thirty or forty families in this township, maybe more, maybe less, I couldn't say, but that is just a guess, I haven't stopped to figure.

Q. And you admit that more than half of that number take their timber from State land for firewood purposes ? A. I should be inclined to say yes.

Q. And probably two-thirds ? A. I don't hardly know.

By Mr. NILES :

Q. You were appointed forester last May, were you not ? A. I was.

Q. And afterwards removed ? A. I was.

Q. On charges ? A. This same charge that has been produced here to-day.

Q. In regard to lot 101 ? A. Yes, sir.

Q. Do you know what settlement Mr. Collins made with Mr. Powers for those logs ? A. I do not.

Q. What amounts did he tell you he was to pay Powers ? A. He didn't tell me ; he simply told me what he wanted and I paid it.

Q. Without making any inquiry to ascertain whether he was entitled to charge that amount. A. I tried a long time to find out, and tried to settle for the amount that I bought the logs for ; but I couldn't settle with anybody except Mr. Collins ; and so as to settle the thing up I paid him.

Q. Without making any inquiry to ascertain whether he was entitled to charge that amount ? A. I did not, sir.

Q. Did you ever ascertain what settlement he made with Mr. Powers ? A. I did not.

Q. Didn't you ever ascertain from the Forest Commission or otherwise what amount Mr. Powers was authorized to demand in settlement ? A. Well, in May, after I had made my settlement with Mr.

Collins, when I was in the Forest Commission room ; I think it was the 10th or 12th of May, sometime—I couldn't say now.

Q. Of this year? A. Of this year, yes, sir; Col. Fox made the remark that he had charged me more than what he paid, but how much I don't know.

Q. Haven't you, in your travel through the section, especially in that neighborhood of Clear pond, seen evidence of timber having been cut?

A. I haven't been on Clear pond this year, and only last year, as I was going through on the new road—I couldn't tell you a thing about it, because I don't know.

Q. Didn't you notice any land that had been cut over? A. No—I say I haven't been through only on the carry here, Little Tupper lake, and on the lot line; but at that time there wasn't any cutting being done that I could see.

Q. Is there any marketable timber left in this township on State lands? A. I should think there was on State lands.

Q. As we came here to-day, I noticed evidence of recent cutting on 101? A. One hundred and one? You didn't see 101 to-day.

Q. We passed right through it on the road? A. No, you did not; I know what I am talking about in regard to these lines; you didn't come within half a mile of 101 to-day.

Q. The map here, furnished by the Forest Commission, represents the road as passing through lot 101 to the northeast of South pond.

A. Well, it doesn't hit 101.

Q. You state that the road does not— A. It passes through my lot this way from South pond.

Q. This way? A. Well, it passes through 112 and my lot 100, and that is all.

Q. Well, do you know— then it was on 112 that I saw evidence of recent cutting—do you know by whom that was done? A. One hundred and twelve—how far back—near those clearings there, or anything?

Q. Ten rods back from the road, on the east of the road? A. How far back from my place, I mean—how far back from that further clearing?

Q. It was in the neighborhood of South pond, about half a mile to the northeast of South pond? A. I haven't known of any cutting being done there—and I do not think that there has been.

By Mr. NILES:

Q. I say I saw the evidence of it; the stumps left there, and the chips in the neighborhood, showing that it had been recently cut?

A. I say I haven't seen any such thing, and I do not know of it.

Q. I figured it out lot 101; but you say the highway does not pass through 101? A. It does not.

Q. But through 112? A. One hundred and twelve and 100.

Q. Now I ask you if you know by whom that timber was cut? A. I do not; and I was over the road just a few days ago and didn't notice it.

Q. You cannot see from the roadway? A. Are you sure it is on 112 or 100? A. One hundred is my lot.

By Chairman WILDS:

Q. Does the roadway pass through 124? A. It does, I think.

Q. How large are the lots of this township? A. Two hundred acre lots.

Q. And they are half a mile wide by a mile long? A. No; by 200 rods; that makes them 200-acre lots; one rod makes an acre.

Q. The easterly and westerly sides of the lots of this township are half a mile long, and the northerly and southerly lines of the lots of this township are 200 rods long. A. Yes.

By Mr. NILES:

Q. Do you know of any cutting on lots 33 or 46 of this township by Warren Cole, in the winter of 1893–1894? A. I don't know, sir; I don't know the first thing about it, or don't know where the lots lie.

Q. You say you think you would know if it had been done ; now Mr. Cole says he did cut on those lots as recently as one year ago ?

A. I testified, at least I meant to, if any one was doing a large timber job, and [floating the logs away to market ; I didn't say that I knew what every individual man was doing when he was cutting a few logs or something like that.

Q. But you think you would know if it was done on any large scale ? A. I would.

By Mr. TEN EYCK :

Q. Where is the outlet of this lake ? A. Right off down here (indicating).

Q. If logs were running out, which way would they go to get out ? A. They would have to go north, certainly, towards the St. Lawrence.

By Chairman WILDS :

Q. Is the timber for all building purposes in this township 21 usually cut from State lands ? A. Oh, no, I do not think so.

Q. Is it not very common for such to be the case ? A. Well, that is a hard question to answer ; I can only speak from my own personal knowlege ; I know I paid \$1,600 for timber lands for what little I have wanted to use in my mill for the last three years.

By Mr. TEN EYCK :

Q. Where is your mill ? A. It is up there about a quarter of a mile, where you turned to-day to come this way, as you passed in front of my house.

Q. Well, then, logs would not have to pass down by your mill to get out ? A. If they were being cut down here and fetched out ?

Q. Yes. A. No they would not.

By Mr. NILES :

Q. Where do you get the supply for your mill ? A. Off from lot 100, and other timber that I have owned of my own, with the exception of this one matter on lot 101.

By Chairman WILDS :

Q. What lots do you claim to own in this township? A. Lot 100 and a half of lot 88 and lot 128.

Q. One hundred and twenty-eight is marked as State land upon the Forest Commission's map? A. It is?

Q. Yes. A. Well, it is not on the assessment roll, I don't know what your map shows.

Q. Have you ever cut any timber from that lot? A. I have; cut a little last winter.

Q. Did you ever cut any before last winter? A. Never.

Q. Had any one ever cut any timber before last winter? A No, sir.

Q. How much timber did you cut there last winter? A. About two hundred markets, I think; 225 or something.

By Mr. NILES :

Q. How long have you had title to that lot? A. I bought it last fall.

Q. From whom? A. From Moynehan.

Q. Pat Moynehan? A. Yes, sir.

Q. Did you have your title examined? A. I have not.

Q. Do you know what title he had to convey? A. He claimed to own the lot and sold it to me.

Q. How much did you pay him for the lot? A. Eight hundred dollars.

Q. Do you know whether he claims to own any neighboring lots in that section? A. I do not.

Q. Or whether he did claim to own any at that time? A. I do not know anything about any lot except that.

By Mr. TEN EYCK :

Q. Where does No. 128 lay; on the border line of township 19? A. Right on the border line of township 19.

By Chairman WILDS :

Q. What was the character of the timber cut by you? A. Nothing but spruce.

Q. How many acres did you cut over? A. Oh, twenty-five or thirty, I should say, I don't know exactly.

Q. And it was virgin forest? A. Yes, sir.

Q. And is now well-wooded over the rest of the lot? A. Oh, certainly, it has only been begun on.

By Mr. TEN EYCK :

Q. Did you examine the assessment rolls to see if that lot was assessed to the State? A. It was assessed as non-resident land.

Q. You examined, I say, yourself? A. I think, sir, that I am straight on that; I am pretty well aware that I am.

By Mr. NILES :

Q. How many acres to the lot up here? A. Two hundred.

By Mr. TEN EYCK :

Q. Have you paid the taxes on it since you had it? A. It is assessed to me for the first time now, I believe.

Q. It is assessed now to you? A. I think it is; I didn't go down at the review day, but I think it is.

Q. I understood you to say that the logs which you cut from 101 were sold by Thomas Powers in your absence? A. Yes, sir.

Q. Where were the logs when they were sold? A. In the yard in front of my mill.

Q. How soon after they were sold did you return? A. Oh, within a week, I should say.

Q. How many logs were there? A. Two hundred and fifty-nine and something markets.

Q. Were the logs there when you returned? A. Yes.

By Chairman WILDS:

Q. Did they have any mark on them? A. I couldn't say whether they marked them as State or not.

Q. I want to know how he identified the logs as those which were cut.

Mr. TEN EYCK.—They were in his yard.

Chairman WILDS.—I want to know how he identified them.

The WITNESS.—For the reason that other people that drawed logs in there did mark their logs, and I did not.

By Mr. TEN EYCK:

Q. Now after you returned you understood that those logs had been sold, as I understand it? A. Yes.

Q. But the logs were in your possession? A. Well, they were in the mill yard; yes.

Q. Now, why did you buy those logs over again from Mr. Collins when you claimed that you had bought them from the State, and they were still in your possession? A. Well, sir, for the simple reason that the State would not accept the money; I tried first to have Mr. Powers take it, and then I went to Albany and tried to have them take it.

Q. But you had made a fair bargain with the State to buy the logs, and you had bought them? A. Yes.

Q. But they were sold, and when you came back they were in your possession; then why did you buy them back again? A. Well, perhaps because I didn't know any better.

Q. Then you didn't claim any title to them? A. Only just from the fact that I had bought them from the Forest Comimsison.

By Mr. ELDRIDGE:

Q. Did you pay for them? A. I had not at that time; but I went right out and saw Collins and had a talk with him.

Q. But you didn't pay Powers? A. No, he wouldn't take the money.

By Mr. TEN EYCK:

Q. As I understand it, you were appointed forester up here? A. Yes, sir.

Q. And game protector? A. Yes, sir.

Q. And then your appointment was revoked? A. Yes.

Q. You were appointed by the new commission, and your appointment was revoked by the new commission? A. Yes.

Q. And it was revoked because of this transaction, the alleged trespass upon 101? A. Yes, sir.

Q. You say, as I understand, that you went to Albany and Mr. McCreedy made out a bid for you to make; and you made a bid to buy the timber on lot 101? A. Yes, sir.

Q. Then what did you do with that bid after you signed it? A. I simply left it in their hands and came home and cut the logs.

Q. And that was all that was said about it? A. That was all that was said at the time.

Q. What did you do after that? A. I came home and cut the logs, and skidded them, had them measured.

Q. Didn't they tell you as soon as you left the bid there that it was all right, go on and cut the logs, did not they tell you that? A. No; I didn't go there again; but they told me later on that the logs were awarded to me; that the bids were accepted.

Q. That was after it was done? A. Yes.

Q. Who told you that? A. Mr. Weed; I heard him tell the new commission that, in my presence, this year.

Q. That is this year? A. Yes, sir.

Q. But you didn't hear anybody tell you that before the logs were sold? A. Why, no, because I thought everything was all right; as I told you, in the first place Mr. Burke came over and told me what steps to take to buy logs.

By Chairman WILDS:

Q. Have you ever demanded repayment by Mr. Collins? A. I don't know what to do; if I have got out of it I will be contented, I think; my logs have cost me now, with the running around, and the loss of my appointment, and everything else—; I wish the devil had them all, for my part; that is the only thing that ever came up against me.

By Mr. TEN EYCK:

Q. Well, your appointment really is unsettled as yet, isn't it? A. I know, and I guess it will remain so for some time yet.

Q. You are endeavoring to get this alleged trespass on lot 101 settled up so that they can reappoint you again? A. Well, they can do it if they like.

Q. Aren't you trying to do that? A. I am trying to get this alleged trespass off my name if I can.

Q. You are not an applicant now for the position of forester, as I understand it? A. They can do as they like about that; I don't know.

Q. Are you still an applicant? A. I am, yes, sir; I want to know why I am dismissed.

Q. When you went on 101, you did innocently, and thought you had a right to do it? A. Why, certainly, if I was going to steal timber, I wouldn't go to Albany and advertise it.

By Mr. NILES:

Q. Who fixed the amount you were to pay? A. I made the bid right there myself, and it was understood—.

Q. Wasn't anything said by any one there as to the amount that was acceptable? A. Thirty cents was fixed.

Q. Who fixed that? A. I couldn't say; it was talked up there in the room; it was a general understanding that that was what the logs were honestly worth, and that was what I was to pay for them.

Q. Has there been anybody appointed in your place as forester?

A. I don't think there has; I don't know.

By Chairman WILDS:

Q. I understand you to have stated to John H. Burke in a letter that you had proof that Ed. Butler cut timber from lot 66 and 112, township 21, Totten & Crossfield purchase? A. Have you got the letter here? I wrote such a one; I guess it is Burke's answer that I copied; the original I have got somewhere.

Q. Have you ever been called upon to give evidence of that trespass? A. No, sir; never until to-day.

By Mr. TEN EYCK:

Q. As I understand it, in relation to your alleged trespass on 101, the Forest Commission were willing and ready to accept your offer, and approved of your cutting on lot 101, but the Land Board refused to confirm any sale that they would or might make to you? A. Yes, sir; that was just where the whole trouble rested, as I understand it; that was what they all told me; and more than that Mr. Weed, in the presence of the new Commission, admitted that this spring in my hearing, that those logs were sold to Mr. Helms; because that was the thing that I was revoked upon, and he, being a member of the former Commission, knew the rights of it; and he said that there in my presence.

By Chairman WILDS:

Q. Is there any forester now acting in this section? A. Not that I know of.

WILLIAM C. ROBINSON, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your age, residence and occupation? A. Well, sir, my age is 50, or very nigh 51, I was 50 last October; residence, of course Long Lake, Hamilton county, N. Y.; my occupation is a mill owner.

Q. How long have you lived here? A. Always, my whole life, born and brought up right over on that farm right over there (indicating).

Q. On the north side of Long lake? A. West side of Long lake.

Q. Do you own any lots in township 21, Totten & Crossfield purchase? A. Yes, sir.

Q. What are the numbers of the lots? A. Fifty-six, and a part of 69, and a part of 57.

Q. You own the whole of 56? A. Fifty-six I think, yes.

Q. By reference to the map perhaps you can more definitely state? A. Well, it is right over there (indicating); and then we have got a deed of 42 which lays on the west side of Clear pond, but the State don't let us redeem that so that we have nothing to do with that, and 30 and 31, we got it under a sheriff's sale.

Q. That is you bought under sheriff's sale lots 42, 30 and 31 of township 21? A. Yes, but we had nothing to do with those lots because the State would not let us redeem them.

Q. When did you buy them at sheriff's sale? Well, sir, that I couldn't tell you; it must be along about 1887 or 1888, somewhere along there; I couldn't tell you exactly.

Q. About 1888? A. Yes; it was on Van Dusen's and others' sheriff's sale.

Q. Van Dusen and others were the ones that sold; have you stated all the lots that you own? A. Yes.

Q. Do you know of any timber cutting on the lots 44, 32, 31, 30 or 42, around Clear Pond? A. No, no, sir; there isn't any that I know of.

Q. Or on lot 54? A. No; there isn't; I don't think.

Q. Do you know of George Straight and Martin L. Allen having been engaged last winter in the cutting of timber on the lots on the west side of Clear pond? A. Yes.

Q. And did they not cut the timber from lots 54, 42 and 30? A. I think not; because I was there and looked two days on the line be-

tween — now I will have to stop and think — yes, I do not think they have cut any timber there ; I wouldn't say that they had or hadn't ; but I was in there and kept watch for this old gentleman that is here ; I can not think of his name ; he requested me to look and let him know ; and I don't know of their cutting a tree over the line along there where I knew the line was, because I was there two days.

Q. Where were they engaged in cutting timber? A. I do not think they cut east of the easterly line of lots 17, 29, 41 and 53.

Q. Did they cut west of that line? A. Yes.

Q. Over all the lots in the northwest quarter of township 21? A. I couldn't tell you that, but I do not think they did.

Q. Do you know where their shanties are located? A. Yes, sir.

Q. How near to Clear pond, and upon what lots, lot or lots, are they? A. No, I wouldn't say whether on 41 or 55; they are right on one of those lots, but which one I couldn't say.

Q. Aren't their shanties located on 42? A. No, sir.

Q. Do you know that to be the fact? A. I do.

Q. Or on lot 54? A. They are not.

Q. Or on lot 30? A. No, sir, they are not; there is one camp that I can not place the lot because it is on this side so that I do not know what lot it is; let me see if I can figure that out now so as to tell — that lot of Mr. Straight's, I can not place anything where that is.

Q. Are you stating your evidence here from personal knowledge from having been upon those lots yourself? A. I am, sir.

Q. Well, we are informed, by testimony already given before this committee, that the cutting by George Straight and Martin L. Allen was upon the lots adjacent to Clear pond on the west side thereof? A. If they have, they have cut where I haven't been ; and I have been on the line and watched, because they requested me last fall to do it.

Q. Who requested you to do it? A. George L. Bouton ; if they have, they have cut it beyond where I have been on the lines, and I

was there watching two days; Mr. Straight's line—that I wouldn't say where he had cut, because that I didn't watch; but Mr. Allen's I am sure of.

Q. What is your business? A. Run a saw mill, or own a saw mill; I own it—I and my brother.

By Mr. NILES:

Q. Is Boyden C. Robinson interested with you in the mill? A. Yes, sir.

Q. Anyone else? A. No, sir; not that I know of; I don't think there is.

Q. Where do you get your timber from for your mill? A. Well, that is where the stick comes; I don't get any timber; it is a custom mill.

Q. You cut the timber for any one that brings it to you? A. Yes, sir.

Q. Do you make any inquiry as to the place from which that timber has been cut? A. I do not.

Q. Is the timber marked which is brought to your mill? A. The one that draws the logs there marks them.

A. Is any one person employed as marker or measurer of logs in this section? A. No, sir.

Q. Don't you think it a matter of duty to investigate from whence timber may be cut and hauled to your mill? A. I don't know why it should be to me so long as I have no pay for it.

Q. Why! you wouldn't cut for a timber thief, would you? A. Not if I knew it.

Q. Is the timber which you cut intended for building purposes? A. Yes, sir.

Q. And is all the timber which you cut used in this township? A. Well, I can almost say I think it is—I don't know of its going anywhere else.

Q. Don't you understand that it is common practice for persons interested in the construction of any building to cut timber therefor from State lands in this township? A. How is that?

(Stenographer reads the question.)

A. No; because there is so many owns timber that they can cut of their own.

Q. How many families are there in township 21? A. Well, I won't undertake to say—I will say two-thirds of the town is in 21.

Q. And how many families are there? A. Well, that I couldn't tell you, because it takes some time to count it.

Q. How many voters are there? A. There is upwards of 200 voters in the town of Long Lake; this township I can not tell you, because as I say, I can not count up the buildings and the voters that is in it.

Q. Is it not common practice for the residents of this township 21, Totten & Crosefield purchase, to cut the timber for fire wood from State lands? A. It is a few because they have no timber any other way.

Q. Do not the majority of the people of this township cut their fire wood timber from State lands? A. No, sir, I think, not.

Q. Well, we have had contrary testimony already given to us; of course it is a matter of opinion? A. Well, that may be; their opinion may be that, but mine is the other way; because I can explain to you; now right on that side of the lake, there isn't over three or four families that depend on the State or cut any timber on the State for fire wood.

Q. Have you ever had logs brought to your mill which have been cut and taken from State lands? A. I have, so they claim.

Q. When and by whom? A. Let me see; that was a year ago, that was cut a year ago last winter, I think it was, I wouldn't be positive whether it was a year ago or two years ago last winter, because I helped cut them, helped skid them; and the man that cut them was John Rickardson and also Warren Cole, I think, had a few.

Q. And was that timber which was cut by Rickardson from lots 46 and 58 of township 21? A. It was on those lots, but which ones I couldn't say; it might be on both and it might not.

Q. How many markets did Rickardson cut, skid and haul to your mill? A. Well, I would have to guess at that; I don't remember how many pieces there was; they were small logs; I couldn't tell; oh, I will guess, probably there was some 30 or 40 markets; somewhere along there; I wouldn't say which.

Q. We have been informed that there were over two hundred pieces cut and hauled to your mill by Rickardson? A. Over two hundred; well, I will tell you; you can come over to my mill and see the pile of lumber piled right up there and say whether you think there was that amount of lumber.

Q. That was in the winter of 1893-1894, was it not? A. It was 1893 or 1894; yes, sir; 1893, I would not say which it was.

Q. You helped Rickardson on that job? A. I did, sir; figured for the length of the timber, to have it come out right for him to build with.

Q. For him to build what? A. A house.

Q. A house for himself? A. Yes.

Q. Where? A. He was going to build right over across the lake there, if he could have got a piece of land, but he didn't get any, and so his timber lays down to the mill.

Q. Did you help him right through the job of cutting the timber? A. Well, I couldn't say positive whether I did or not.

Q. Was the cutting done on lots 46 and 58 to which I refer you on the map? A. Yes, I think that is where it was cut on those lots.

Q. Of township 21, Totten & Crossfield purchase? A. Yes, sir.

Q. And you have mentioned the name of Warren Cole as having cut some timber? A. Yes.

Q. Also hauled it to your mill? A. No, the timber was sold by Mr. Powers.

Q. Well, where did Warren Cole cut? A. That I wouldn't say.

Q. Was it not on lot 46 of township 21, Totten & Crossfield purchase? A. I wouldn't say where that was; I should not have known that he cut the timber only that he told Mr. Powers in the mill yard when they found it out that it was cut on one of those State lots.

Q. Had the timber been hauled by him to your mill? A. No, sir.

Q. Where was the timber? A. It was left up back in the field.

Q. On the lot where it was cut? A. No, it was drawed out into the field, but I didn't see this only as I passed by.

Q. How many pieces? A. Oh, I will guess that there might have been thirty or forty or fifty.

Q. Fifty pieces or markets? A. Well, I will say 40 pieces?

Q. Well, we are informed that there were at least seventy-five pieces? A. I guess at it, you see.

Q. Do you think Mr. Powers' information that there were 75 pieces would be better than yours? A. Well, it ought to be, as long as he had the handling of the logs to sell them.

Q. Is John Robinson your brother? A. Yes.

Q. Do you know of his having cut timber from lot 47 of township 21? A. I couldn't say what lot he cut them on; I didn't know he was cutting any till he drawed them to the mill; the logs come there, and I couldn't say where he cut them.

Q. They were cut from State land? A. I suppose they was, as Mr. Powers looked it up and made that complaint to us.

Q. How much timber did John Robinson cut? A. Well, that I couldn't tell, because I didn't pay no attention to the number of logs.

Q. Are the logs still at your mill? A. No; they are cut up and the lumber is used down there in a house.

Q. What was done with the logs that were brought to your mill as cut from State lands by John Robinson and Rickardson? A. They were sawed up in our mill and used to build a house with, that is, John Robinson's was.

Q. Rickardson's logs too? A. Rickardson's were sawed up for the purpose of building a house, and that lumber lays at my mill now.

Q. Has it ever been seized by the forester, or by any State authority? A. Yes, sir; Mr. Powers took the logs and sold them.

Q. Took them away? A. No; levied and sold them; and Rickardson bought them back; so he told me; and drewed them into my mill last winter.

Q. Did M. C. Collins ever claim to own those logs? A. I don't know; could you tell me where he lives or anything of the kind?

Q. Of Newcomb. A. Then he must be the man that bought those logs, but I don't know him.

Q. Well, what happened when the logs were seized by Mr. Powers? A. They were left right there in the field till Rickardson, as I understand, bought them back.

Q. Did you tell any one to take them away? A. No, sir; not that I know of.

Q. Did you tell Col. Fox that if the State claimed the logs, and didn't want them sawed, he must have them taken from the yard and move them away? A. That is another; four logs; four pieces.

Q. What logs were they? A. They were four pine longs.

Q. Brought to your mill by whom? A. By, as I found afterward, by Kellogg, Cecil Kellogg or his brother, I don't which one, it was one of those young men.

Q. Where did that timber come from? A. I guess it come off from 46.

Q. Of township 21? A. Yes, sir.

Q. Do you know of any trespasses on State lands of this township 21 for the purpose of cutting and taking timber therefrom for the market? A. I do not.

Q. Do you think there are such trespasses? A. Not in my neighborhood; what there is of it around this other way I know nothing about.

Q. Do you think there are such trespasses on the State lands around Clear pond? A. I do not.

Q. Do you think there are such trespasses on the State lands around South pond? A. That I wouldn't say because I don't know.

Q. Or in the four tiers of lots in the south part of this township belonging to the State? A. I wouldn't answer that because I do not travel enough so as to know anything about it.

Q. Do you know of spruce and hemlock logs brought to your mill by Isaac Claymour and Cecil Kellogg which came from lot 46, township 21, Totten & Crossfield purchase? A. Well, they brought some there, but I didn't know where they come from.

Q. Were you told by Thomas Powers, forester, that the logs in question had been cut on State lands? A. I don't remember as he did in regard to them.

Q. Did he tell you to go and saw the timber, and keep the measurement of the timber, and he would see that the saw bill was paid? A. He did not say that to me.

By Mr. NILES:

Q. What were the logs that Col. Fox pointed out and said were State lumber? A. That was four pine logs, four little pine logs, and I didn't know the mark; it happened to be a new mark; he wanted to know if I knew the mark; I told him I did not; I didn't know who drew them there; we talked there, and finally Mr. Powers says to Col. Fox, "what will we do with those logs; leave them here, or let Mr. Robinson saw them;" and Col. Fox says we will leave them right where they are; and I says, "and not have them sawed;" he says, "yes;" I says, "then move them out of the mill yard immediately; if the State has got logs here and don't want me to saw them, I don't want to saw them;" and that was the last I saw—

Q. Then what became of them? A. We sawed them, and Kellogg's folks moved the lumber.

By Chairman WILDS :

Q. Were they all cut from one tree ? A. All from one tree.

By Mr. NILES :

Q. Is Boyden your brother ? A. Yes.

Q. Is he here ? A. He is not.

Q. Not in town ? A. No, he is not ; he went away.

By Mr. TEN EYCK :

Q. What were those four logs worth as they laid in your mill there ?

A. Well, they wasn't worth a great deal because they were not extra logs.

Q. In your opinion what were they worth ? A. I would have given seventy-five cents to a dollar a market for them.

Q. How many markets were there. A. There might have been—

Q. Would they make a market ? A. Oh, yes, probably they would have made two markets ; they might have made more ; this is all guess work.

By Mr. NILES :

Q. Didn't you know anything about that transaction with Claymour & Kellogg about the 250 logs sawed at your mill ? A. I don't know anything about that ; the 250 logs I know nothing about.

By Chairman WILDS :

Q. You know that there were 250 logs brought to your mill by Claymour & Kellogg ? A. There were some logs drawn there, but how many I couldn't say ; I know we sawed the logs, and they took the lumber ; but to my knowledge there was nothing said about it.

By Mr. NILES :

Q. Was any amount deducted, to your knowledge, to be paid to the State for any trespass committed in securing those logs ? A. Not to my knowledge.

Q. Did you ever have any conversation with Mr. Powers about them? A. No, sir.

Q. Did you ever hear from the Forest Commission about them? A. No, sir.

Q. Did you ever have any talk with your brother about the transaction? A. Nothing only about those four logs; I think that was all.

Q. About those 250? A. Nothing, only just to do our sawing and let it go.

Q. Didn't he tell you that they were claimed to have been cut on State lands; didn't your brother tell you that they were claimed to have been cut on State lands? A. I don't remember as he did.

By Chairman WILDS:

Q. Has any timber ever been cut by anyone from lots 30, 31 and 42, on the northerly and west sides of Clear pond, which you claimed to own? A. There was not, to my knowledge.

Q. Is the timber upon those lots the virgin forest? A. It is, sir.

Q. Where axe has never been laid? A. Yes, sir.

Q. You state that as a fact? A. Yes, sir.

Q. You know it? A. Yes, sir; unless (I will put this in), unless this is up on the westerly line of those lots; there is a place there that they may have cut over, that I do not know anything about; that is upon the lot, I guess, right along up there (indicating).

Q. Right along lot 30? A. Yes, along up there it may be that they have cut some timber that I do not know anything about.

By Mr. TEN EYCK:

Q. Where do you live; on what lot? A. I live on 69.

Q. In going from where you live up to where Allen and Straight cut what direction did you go? A. West, I will say.

Q. Did you go across Clear pond? A. I did.

Q. So that you could see the shore of the pond all the way? A. I did.

Q. Did you see any lumber camps on the shore of the pond? A. I did not.

Q. And did you travel through the woods on the shore of the pond? A. I did.

Q. And did you discover any lumber camp? A. I did not.

Q. In the woods, on the shore of the pond, or on any of the lands which the State claims to own? A. I did not.

Q. And you could have seen if there was? A. Yes, sir.

Q. How long have you lived where you now live? A. Thirty-one or thirty-two years.

Q. And how many times were you up to this place where Allen and Straight cut? A. I couldn't tell you how many times I was up there—that is, to see about this timber—but I was up there on business several times; I don't know how many times, anything about it; I looked every time along the line to see if there was any timber cut.

Q. And at no time did you see any camp? A. I couldn't discover none on the line; I wish to state I went last winter on to lot 46 of township 21, Totten & Crossfield purchase, and cut three pine trees for lumber for my house.

Q. How many markets? A. I don't know—I should have measured them, but I didn't; they were small pine; probably they wouldn't average a market apiece.

CECIL KELLOGG, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. What is your age, residence and occupation? A. Thirty-one years; residence, Long Lake; occupation, farmer.

Q. How long have you lived in Long Lake? A. All my life—I have always lived here.

Q. Have you at any time cut timber from State lands? A. Yes, sir.

Q. In township 21, Totten & Crossfield purchase? A. Well, I do not know what township it was, I am sure.

Q. It is this township of Long Lake? A. Yes, sir.

Q. From what lot? A. Well, sir, I couldn't say for that what lot it was.

Q. Well, haven't you ever been told that it was on lot 46, township 21, Totten & Crossfield purchase? A. I have heard them state but I do not remember.

By Mr. TEN EYCK:

Q. How do you know that you cut out on State lands? A. I do not.

Q. The only way that you know that you cut on State lands is just from what you have heard people say? A. That is all.

By Chairman WILDS:

Q. Can you, by reference to the map, indicate the lot from which you cut timber? A. Well, I don't know I am sure; well, I should say it was 46, of course I don't know for certain; I don't know much about lots; I couldn't say.

Q. How much did you cut? A. Well, sir, for that I couldn't tell you just how much.

Q. Well, did you cut down 100 trees? A. I should say I presume I did, as many as that.

By Mr. ELDRIDGE:

Q.. Do you know how many markets you cut? A. No, I do not.

By Chairman WILDS:

Q. Did you cut down 200 trees? A. No, I don't think I did.

Q. Do you know how many acres? A. I do not know that either, I didn't measure that.

Q. Haven't you any idea of the measurement of the land? A. Oh, probably two acres, may be, or such a matter I should think, as near as I can state.

Q. What was the kind of timber that you cut? A. Spruce and hemlock.

Q. What did you do with the timber you cut? A. Well, sir, I have got some of it over home there, and some of it I have used in the barn.

Q. When was it that you did this cutting? A. A year ago last winter.

Q. Were you ever notified that you were cutting timber from State lands? A. No, sir.

Q. Never interfered with in any way? A. No, sir.

Q. Were the logs drawn to Robinson's mill? A. Yes.

Q. About how many logs were there altogether? A. Oh, probably two hundred and fifty pieces, I should think somewhere along there, of course I didn't count them.

Q. Have you ever been asked to pay for the timber thus taken from State lands? A. No, sir.

Q. Do you know whether the State authorities knew that you cut from State lands? A. I think Mr. Powers did.

Q. Well, do you remember also having cut timber with Isaac Claymour? A. Well, them is the ones I meant; that is in all; 250 pieces with what he helped cut too

Q. Was that timber cut up at Robinson's mill? A. Yes, sir, all of it.

Q. Was that timber ever seized while at the mill? A. What do you mean by that; I don't just get your meaning?

Q. Were the logs the 250 logs which you and Claymour had cut from lot 46 of township 21, and which you had hauled to Robinson's mill, ever seized by Thomas Powers, the forester? A. No, sir; not that I know of.

Q. Did you ever pay any one for the logs? A. No, sir; never have.

Q. Did you ever hear of Michael Collins ever claiming the logs?
A. I heard something said that he bought what logs there were over there; some that Cole cut and Rickardson; that was all.

Q. He never claimed, then, to own the logs which you had brought to the mill? A. No, sir; not to me; he didn't anyway.

Q. Did he to any one that you have ever heard of? A. No, sir; not that I know of.

Q. And you have always had possession of the logs? A. Yes, sir.

Q. Without interference from any one? A. Yes, sir.

Q. Do you know of any timber cutting on State lands by any one in this township? A. I don't know only that and Rickardson and Cole; I don't know whether Cole's was on the State land or not, I am sure; Rickardson was; he got his from the same place I did mine; that is right this side.

Q. Rickardson cut lots 46 and 58 of township 51? A. I don't know as for that, but near where we did.

Q. You cut on lot 46? A. Somewhere in there; about there I should think.

Q. And Warren Cole cut on 46? A. Yes, I think he did if he cut any on the State.

Q. Well, that lot belongs to the State as the State claims? A. Yes.

Q. Well, is it a matter of common practice for people of this township to take the timber for building and firewood purposes from State lands? A. Always have; yes, sir.

Q. And that is the general custom of the people of this town? A. Yes, sir.

By Mr. NILES:

Q. Did you ever pay anything for those logs? A. No, sir.

Q. Ever have any conversation with the forester about that? A. No, sir; he never mentioned logs to me.

Q. Did you ever have any conversation with Mr. Claymour about that? A. Only just him and I got them in; that is all, together.

By Chairman WILDS:

Q. Was he interested in the job with you? A. Yes, sir, he built him a house out of his.

By Mr. NILES:

Q. Didn't he ever tell you that Mr. Powers said they were taken from State land? A. No, he never told me.

Q. Didn't you understand that you were to pay something for them? A. No, sir.

Q. Didn't he tell you that you had got to keep a measurement of the logs, so that you could settle for them? A. Who?

Q. Claymour. A. No, sir.

By Chairman WILDS:

Q. Did anyone tell you that? A. No, sir; did not.

By Mr. NILES:

Q. And you never paid any stumpage to anyone? A. No, sir.

By Mr. TEN EYCK:

Q. Who gave you the right to go there and cut? A. Nobody.

Q. You took the right of your own accord? A. Yes, sir.

Q. Did you know it was State lands? A. Yes; I supposed it was, anyway.

By Mr. NILES:

Q. Did you pay Mr. Robinson for sawing the logs? A. Yes, sir; that is, I don't know as I have paid him all of it or not; I have paid him most of it, anyway.

Q. Did you agree to pay him any more than the market price for sawing them? A. No, sir.

Q. That is, you didn't pay him anything to pay the forester for the penalty? A. No, sir.

By Mr. TEN EYCK:

Q. Was the forester up there, Mr. Powers, while you were cutting?

A. No, sir.

Q. Did you see him at all where you were cutting? A. I saw him a mile from here, I should think.

By Chairman WILDS:

Q. Didn't he ever mention the subject to you of your trespass on State lands? A. No, sir.

By Mr. TEN EYCK:

Q. Did you ever mention the thing to him? A. No, sir.

Q. Do you know of anybody that did mention it to him? A. No, not for certain; I have heard that he heard of it; that was all.

Q. When did he hear of it? A. I don't know.

Q. You heard that he had heard of it? A. Yes, sir.

Q. But you didn't know that he had? A. No, sir.

Q. Well, what made you say a few minutes ago that you thought the forester knew about it? A. That is by somebody else telling him.

Q. Did somebody tell you that they had told Powers? A. No, sir, they didn't tell me.

Q. What made you think then that he knew about it? A. Well, by the folks saying around, this one and that one, telling about it, that is all.

Q. But you don't know of any one that told him? A. No, sir.

Q. Then it is only your imagination that the knowledge was brought to his attention, is that it? A. Yes, sir.

By Mr. NILES:

Q. Do you mean to say that you have been testifying simply from imagination here? A. I have been testifying to just what I heard other folks say.

By Mr. TEN EYCK :

Q. What do you mean by that ? A. I mean by what I heard other folks say.

Q. What did you hear other folks say ? A. I couldn't tell you now.

Q. That is the only knowledge or information that you have of the fact of your cutting ever coming to Mr. Powers or any other State official ? A. Well, this old gentleman that was here last fall was over there.

Q. That is Mr. Bouton ? A. I don't know what his name was.

Q. The gentleman that is around here now to-day ? A. No, the other one, the one that was with him last fall.

Q. The little, short man with the full beard ? A. No, I should think he was about as tall as this old gentleman.

Q. Durfee ; is that his name ? A. Yes, I think so.

By Chairman WILDS :

Q. Have you ever done any lumbering for any one else ? A. No, sir, I have not ; I just helped Rickardson draw his logs out, that was all, something like that, when they have hired me for a day's work, that is all.

Q. You never bought or sold timber from any lands ? A. No, sir.

Q. You have never cut or skidded or hauled timber from any lands except what you have already testified to ? A. That is all.

Recess for dinner.

EVENING SESSION — 9:30 P. M.

ROBERT SHAW, being duly sworn, testified as follows :

By Chairman WILDS :

Q. What is your name, age, residence, and business or occupation ?

A. My name is Robert Shaw ; my age is 66 ; Long Lake is my residence, and I have done everything through life most ; I am a farmer ;

kept a saw-mill; kept store some; done most everything that I could do to get a living in this country since 1850, when I became of age.

Q. You have lived in this town all the time? A. Yes, sir.

Q. Are you a minister of the Gospel? A. Yes, sir.

Q. And the pastor of any church? A. Yes, sir.

Q. Where? A. Newcomb.

Q. Of what church? A. Wesleyan Methodist.

Q. How long have you been pastor of that church? A. This is the fourth year continuously, and years before I was pastor a year at a time, several times; I don't remember how long.

Q. How long have you been a minister of the Gospel? A. About thirty years.

Q. Have you ever held any town or county offices, and if so what and when? A. I have been supervisor of this town 17 terms, and have been justice of the peace most of my life; I never held no county office only associate justice.

Q. Have you been supervisor of this town during recent years? A. Oh, I guess it is six years ago; five or six years ago, the last time.

Q. As such supervisor, did you know that you were charged, by law, with the guardianship or preservation of the forests? A. Somewhat.

Q. What did you understand your duty in that respect to be? A. Well, all I understood about it especially was, in the absence of their fire wardens to look after the fires that should break out and see to the extinguishment of them, etc., the most I knew.

Q. And what did you understand your duty to be in respect to trespasses on State lands? A. I didn't understand anything in that regard.

By Mr. NILES:

Q. Wasn't it part of your duty to make returns of unpaid non-resident taxes to the Comptroller? A. Yes, sir; ever since they come

into vogue; mostly since I was supervisor; the last year or two we had to make returns to the Forest Commission, I guess the last year, and the supervisor, when the tax list was completed, something of that kind; that was the assessor's business, though.

Q. Did you keep a record of the lands which were returned for non-payment of taxes? A. There was such a record put in the town clerk's office.

By Chairman WILDS:

Q. During the time of your residence in this township, have you become familiar with the location and bounds of State lands? A. No, sir, not very much.

Q. Have you knowledge of the location of the State lands as existing during the last five or ten years? A. No, not very much; nothing of any note; I know some lots that are State lands.

Q. Do you not know that a greater part of this township, No. 21, Totten & Crossfield purchase, is composed of State lands? A. I have so understood, yes.

Q. Do you not know that, with the exception of a few lots along either side of Long lake, running across this township, and of a few lots in the northwest quarter of this township, all of the land is State land in this township 21? A. I have so understood.

Q. Have you knowledge of trespasses on the State land in this township? A. Not very much; very little.

Q. Have you knowledge or information of the cutting or taking of timber from any State land at any time? A. Nothing, only what little I have been implicated in myself.

Q. (Shows witness map.) How many times have you so trespassed upon State lands? A. Only once myself, directly.

Q. How many times have you, indirectly? A. Oh, I settled little matters, I guess, once or twice, that others cut, and those that I was implicated in was cut by others mainly; if you will allow me I will explain it.

Q. When and where was your trespass upon State land, when you cut and took timber therefrom? A. It was on lot 108.

Q. Of township 21, Totten & Crossfield purchase? A. Yes, sir.

Q. And in the year—? A. Well, I should say it was 1890.

Q. What was the extent of your trespass in that case? A. I don't remember—I paid \$60 for the trespass.

Q. Don't you remember how much timber? A. I do not; no.

Q. Did you personally cut the timber? A. No, sir.

Q. Whom did you employ for that purpose? A. The timber was cut, most of it, when I first had knowledge of it; I bid in the lot at a referee's sale in December, I think, 1888, I guess.

Q. Who was the referee? A. Well, I think his name was McArthur, or some such name, and then I came home; the lots join me; I came home; I found parties had been up the lot and cut a lot of spruce logs; I sent word to them that I had bought the lot and they must desist cutting the logs; and I sent men afterwards and skidded up those logs and drew them to the mill; Mr. Powers reported it and I was cited, sued I guess; I guess they served a paper on me; so I went down before the Forest Commission and settled it; I don't remember whether it was just sixty dollars, or sixty-two or three or four; they figured it up; I guess Powers estimated or counted the logs or something and figured it up, and I paid what they adjudged it, sixty-odd dollars.

By Mr. NILES:

Q. You supposed at the time that you owned the lot? A. I supposed I had a share enough in it so that I had a right to stop that man's cutting; I knew the State had a claim on it, and I intended to prevent men—

Q. What kind of title was it that you purchased? A. It was a referee title; it was Van Dusen's.

Q. On foreclosure of the mortgage? A. I think so.

Q. And how much did you pay for that lot, on that purchase? A. I gave a dollar for it; I knew, in fact, that there was as much debt against it, on the State, as it was worth, and the referee said I hadn't better bid very high, for I would have to pay the taxes, and that was about all it was worth, and I knew it was.

Q. Did you ever pay the taxes on that lot? A. I paid the taxes on it one year, and then the State forbid the assessors putting it on to the roll; I intended to pay up the taxes and perfect the title; that is what I intended to do, till they wouldn't let me, and then it laid there.

Q. Did you know for how many years there had been default in the payment of taxes on that lot, when you made the purchase? A. I knew there was a good while; I didn't know how many years; I had been to the office and knew there was a big amount of taxes on it, two hundred dollars or thereabouts.

Q. Did you know at the time that the State had assumed ownership thereof? A. Yes, sir.

Q. Did you ever take any steps to redeem title from the State? A. Yes, sir; I have applications there, with affidavits, that together with lot 66, which I still hold possession of, and have had it in possession, pretty well cleared, ever since; I tried to redeem both lots.

Q. How did you get any title to lot 66? A. The same way; and then I bought a man's claim that cleared some of it and occupied it.

Q. David Helms claims to have bought lot 66, at the sale to which you refer? A. "Ninety-six," I said; I didn't say "66;" it was "96."

Q. You mean, then, to be understood as stating that you bought at the same sale, whatever title was foreclosed under the mortgage and sold by the referee, as lot to 96? A. Yes, sir.

Q. And also as to lot 108? A. Yes, sir.

Q. Did you buy title, or any claim of title, to any other lot? A. Yes, sir.

Q. To what lots? A. "Eighty-three," "107," "129"; 100 acres in "32" and 100 acres in "33" or "34," and I don't know which, two 100-acre lots.

Q. Undivided half parts? A. I think so.

Q. Have you your deed with you? A. No, sir.

Q. Were there any other lots? A. There was one lot, I don't know but it is "42," or forty something, "42" or "44," one of the "40's," over here on Clear pond somewhere.

Q. On which side of Clear pond? A. Well, sir, I don't know that.

Q. Was it on the west side of Clear pond? A. I don't know.

Q. "Forty-two" is on the west side; "44" is on the east side? A. Well, I don't know which side; I never saw them.

Q. William Kellogg claims to have bought the title to lot "42"? A.

Well, I don't know which one of the "40's" it was, but there were three lots, or parts of lots, over there; the other lots was this side of the lake, and I remember their numbers.

Q. Those purchases were all made at the same time, at the same sale? A. Yes.

Q. And you paid a dollar for each lot? A. Yes, sir.

Q. What have you ever done, if anything, respecting the redemption of those lots from the State? A. Well, sir, I don't remember; I put the matter into Mr. Bevin's hands, of Chester, and he made what he considered necessary applications on these lots that I occupied and had possession of; he put in affidavits; and the others, I don't know as there was anything more than a formal bid on them or something; I don't know what he did do.

Q. Did you pay the taxes on each of those lots at any time? A. I think I paid the next year after I bought them on all of them; had them assessed to me; I know I did "107" and "108," "96" and "83;" the others I wouldn't say positively.

Q. "Eighty-three" is a lot that you have not heretofore mentioned? A. Yes; I mentioned it once before.

Q. Have you ever cut or caused to be cut, or taken, any timber from any of those lots or parts of lots, other than from lot "108," as stated by you? A. No.

Q. Do you know of any other person who has either cut or taken or caused to be cut or taken, at any time, timber from any of those lots? A. Not since 1888; I have held a sort of supervision over them; kept people from cutting them, thought they were mine; there had been depredations on "96" before that; "96" lays on this road, and it was very handy to cut a few sticks of timber when people wanted it—and they had cut quite a little on it.

Q. By whom were depredations committed on "96?" A. I don't know—everybody in this country, most; it was so near to the road that if they wanted to get timber they went and got it; in fact there is quite a lot of it cleared.

Q. What is the character of the existing timber on lots "129," "107," "108" and "96" and "83" of those which you claim to have bought some kind of a title? A. "One hundred and seven" and "108" and "129" are pretty nearly original timber; there has been only a little taken off; "129," I guess there never has any been taken off, and nothing of any amount taken off from "107," and "108" is what I got that winter; it had been haggled over and cut over.

Q. How many men did you employ on that job on "108?" A. I didn't employ any; I had a man or two to work for me; went and picked them up.

Q. You didn't employ the men who were to work for you? A. They were working for me, and they went up and cut a few logs.

Q. I inquired how many men you there employed? A. Oh, I guess there was a couple.

Q. And do you not remember how much timber you hauled from that lot? A. I do not; I didn't measure it.

Q. Was it measured by anyone? A. I don't know whether Mr. Powers measured it or not; he reported I had got out so many logs.

Q. Do you know at what price your settlement was made? A. I don't remember.

Q. Did you make settlement for that trespass with Mr. Powers, personally? A. No, sir.

Q. With whom? A. The Forest Commission at Albany, and in the commission rooms.

Q. By payment in cash? A. Yes, sir.

Q. Do you remember to whom? A. I do not.

Q. Do you remember when that settlement was made? A. Well, I think it was in the winter of 1890 or 1891; I guess it was after the new year; I guess it was in 1891; I won't be certain.

Q. Have you ever made other trespass on State lands? A. No, sir?

Q. Have you ever cut, skidded, or hauled timber at other times from any lot? A. No, sir.

Q. Have you ever bought or sold standing timber on any land? A. No, sir.

Q. Have you knowledge or information of any person having cut or hauled timber from any lot of State lands? A. There was a few logs brought into my mill, I guess, two years ago, and I found they come from State lands and I told Mr. Powers about it; he looked them over, and I judge that they would be worth about fifteen dollars; I sent the \$15 to the Forest Commission and got their receipt for it.

By Mr. NILES:

Q. How did you know they were taken from State lands? A. Well, I saw where they came from, and I inquired where he got them; he tried to sell them to me, but I wouldn't buy them; but I told him I would see Mr. Powers and see what to do about it.

Q. By whom were they brought to you? A. There were two fellows, Calvin Town and Harry Sebattis.

Q. And why did you undertake to make settlement for their trespass? A. Well, I didn't want to have any trouble with any logs; didn't want to be party to a theft off from the State land, more than from anybody else; I told them that they had better settle for it, and they wanted to know if I couldn't settle it, and I told them I would

see Mr. Powers; I saw him when he came in and I think I took him and showed him the logs, or told him where they was; I think I went with him, down in the mill-yard.

Q. Is yours simply a custom mill? A. That is all, my own, a custom mill.

Q. From what lot were the logs taken to which you have last referred? A. I think it was "106," I think.

Q. Have you knowledge or information of trespass on State lands by any other person, at any time? A. No, sir; only what I have heard, loose running talk and report; that is all I know about it; I have heard about Mr. Powers finding some logs here and there and somebody bidding them off, but I don't know anything about it; it was only bar-room or store talk.

Q. Well, my question covers information which you may have on that subject? A. Well, simply a lot of gab; hear-say ain't information; I don't know anything about it; and there ain't anybody told me that knew anything about it; I didn't hear Powers or the parties interested say anything about it; don't know anything about it.

Q. Haven't you known of Ed. Butler's taking timber from State lands? A. Yes; but it is kind of talk; I have heard of it; I was present once, I guess, when he bid in some logs that Mr. Powers had seized and sold; I think I was present when he bid them in; I think I was.

Q. Where was that trespass by Ed. Butler committed? A. Up across the lake here somewhere, I guess; that was lot 66 you are talking about; I think it was; I won't be certain; it was a lot Dave Helms bid in; I think he informed on Butler's cutting; I think he did; I don't know that, only what I think about it.

Q. Have you knowledge or information of any other trespass by any person, on any State lot, at any time? A. No, sir; I heard that Powers took some logs away from Mr. Rickardson and some other parties, but what lots they came off from I don't know, or

whether they came off from any State lot or not; I supposed they did or he wouldn't have taken them—I only heard it.

Q. Have you been around Clear pond at any time? A. Not within a great many years—I never was around there much.

Q. Have you been around South pond at any time? A. Only as I passed along on the road, as I went over to Blue mountain.

Q. Have you never been in upon the lots around South pond? A. No, sir.

Q. Don't you know of trespasses committed on lots "112," "123" and "124," on the easterly side of South pond? A. Only from hearsay.

Q. And what is your information on that subject? A. It is very indefinite; I don't know as I could formulate any understanding or opinion.

Q. Do you know of the cutting of timber on lot "128" at any time? A. No—no, sir.

Q. You know its location? A. Well, I know something near where it is; it lays over the mountain here.

Q. Along the southerly tier of lots of this township? A. I guess it is on the tier; there is only 132 in the township.

Q. And immediately adjoining lot "129" which you claim some interest in? A. Yes; that is all the way I know where it is; I never was any nearer to it than the road is.

Q. How near is the road to that lot? A. Well, I don't know that; I should say it was within a mile or a mile and a half.

Q. Isn't there a timber road to it? A. I don't know that.

Q. Don't you know of the cutting of timber along Owl's Head? A. I know they have been lumbering over there last winter; that is all I know about it.

Q. Do you know what was done with that lumber? A. I didn't see anything done with it; I see some of the logs on the lake when the ice broke out; I suppose the logs went away; that is all I know about it.

Q. Do you know who did that lumbering? A. I know there was some Allen lumbered up there.

Q. Martin L. Allen? A. Yes, sir; I suppose so; I was to the shanty once, and there was Mr. Gallagher, I think his name was, bossed a job up there, and somebody else; I don't know anything about it only what I heard.

Q. Pat Moynehan? A. I guess he was the man that was at the bottom of it and they were jobbers for him.

Q. Where was the shanty to which you refer? A. It was on the westerly side of Clear pond, not very far from the South bay, as we call it.

Q. Can you, by reference to the map, indicate the lot upon which that shanty was? A. I can't see, unless somebody has got a pair of glasses; no, sir; I don't know what lot it was, or anything about it; I could tell the spot on the lake, if the map is right; well, I should say it was that lot there (indicating on map).

Q. "Forty-two?" A. Yes, I should say it was right there, somewhere.

Q. Of township 21? A. Yes, sir.

Q. When you were there, what was the indication as to timber cutting on that lot? A. Well, they were cutting and skidding and making roads, as far as I went, up to the shanty; from the lake to the shanty, as far as I went on it.

Q. What was the indication as to the extent of the cutting of timber on that lot? A. Well, I understood they cut over the whole lot; it is only an understanding, though.

Q. Did you go also upon the lot immediately north of that, known as lot 30? A. No, sir, that was all I went, was just from the lake up to the shanty and back again, where the road was.

Q. Have you, at any time, been upon lot 66 of this township 21? A. No.

Q. You have, I presume, rather extensive information as to the trespasses which have been committed on State lands, in this township, have you not? A. I have very little information; very little indeed, only what I have heard as gossip and talk; people have been afraid of me and have kept me out of their secrets. I have rather stood as a barrier to their stealing timber.

Q. Well, you have, I presume, particular information as to the course usually taken with trespassers on State lands in this township?

A. Well, all I know about it is that when I have learned of anything of that kind the parties go in and cut a skid way or two of logs, and get them out; some of them drawed them out; so I understand; I couldn't swear to what kind, as to who, nor where, but my understanding is that they draw them out somewhere and skid them the first year, and the next year they roll logs, and they are not on that lot, and they draw them to the mill; that has been the practice of a few.

By Mr. NILES:

Q. Skid them on private lots? A. Yes, or on the road-side or some place, but to no great extent; just little batches; there never has been any logs cut that I know of, unless it was last winter, on State land in this town, and sent to market.

Stenographer reads last question of Chairman WILDS, as follows: "Q. Well, you have, I presume, particular information as to the course usually taken with trespassers on State lands in this township?"

By Chairman WILDS:

Q. You evidently understood my question to mean the course usually adopted by trespassers? A. Yes; what did you mean?

Q. In effecting their trespasses? A. Yes; wasn't that what you meant?

Q. My inquiry was as to the course usually taken with such trespassers? A. Oh, well, when they have been found out, I understand

the foresters, whoever they were, either seized the logs or settled it with them without seizing them; nearly all of them, I guess, made some sort of settlement with somebody for their logs, or left them there; they were seized two or three years ago, and left; I guess some of them had rotted.

By Mr. NILES:

Q. Do you understand there was any difference in the treatment of trespassers? A. I so understood.

By Chairman WILDS:

Q. From whom, and what is your information on that subject? A. Well, I don't like to give any information that I haven't grounds only my own surmisings; I heard people say that they settled for logs so-and-so, and other parties settled different, and lots of talk through the country that I couldn't give no information that was worth anything on.

Q. What else have you heard as to the manner of dealing with these trespassers? A. I have heard lots of things; I never heard the parties say this, much of anything or anything about it, but I have heard a certain man say that somebody over in Newcomb or Cold river or somewhere had got permission to go on and cut logs, and then settle with the man afterwards, and I have understood that others had got to cutting and been caught, and settled, and others had to pay more; I have heard that talk, but I never knew anything about it.

Q. Do you mean to say that anyone has obtained, from any authority whatsoever, permission to cut timber on State lands? A. I have heard so.

Q. In this neighborhood? A. Not in this neighborhood; oh, no.

Q. What neighborhood do you refer to? A. Oh, Cold river and Minerva and one place and another; I have heard it talked, but I don't know anything about it; it is not good for anything, but in this neighborhood I don't know of anything of the kind, there has been so

little cut here; Butler has been the only man, I guess, that has cut any extensively, and he only cut for his own use, building this house; he ain't ever sold any, I don't think, to go off on the market, still, I don't know but he has; I don't know as he has; I never heard said that he had

By Mr. NILES:

Q. Have you heard that certain trespassers were treated more severely than others, in regard to their tresspass? A. I have heard that, but I don't know anything about it.

Q. What have you heard about that? A. That is all; I have heard that the lumber was taken away from them, they wouldn't settle with them, and others have settled.

By Chairman WILDS:

Q. You mean that the lumber has been taken from them by any State authority? A. Yes, sir.

Q. Do you know who assumed to represent the State for that purpose? A. I think it was Powers.

Q. Have all of the rumors to which you refer been connected with Thomas Powers' administration of his office? A. Well, yes, largely, because he has been the only man that has anything to do with it; it is only latterly since there has been anything done about it in this part of the country; he is the only man that has operated directly around here, to get timber away from anybody; and Mr. Stephen Griffin, years ago he was here, but he didn't do but little, he was the first one, I think, they had; he settled with some parties very equitably, and a nice man, and I guess he didn't use no partiality; but there has been lots of talk about Mr. Powers, but what there is of it I don't know; I don't know anything about it.

By Mr. ELDRIDGE:

Q. Do you know about any trespass except the one you testified to?

A. No; those two instances he reported it, and the last, \$15 one, he

set the price and says, "you better send the money to the office," and I did, and got the receipt, and the other I paid myself right to the Commission, so that I don't know anything about Mr. Powers' crooked treatment, if he done anything; I couldn't accuse him of anything; it was said that he favored Butler some, but I don't know whether he did or not.

Q. Who said it? A. I don't know who said it, people that were mad because they were caught cutting logs, I guess.

By Chairman WILDS:

Q. Isn't it a fact that Mr. Powers treated the trespassers about here in township 21 very differently? A. I don't know it is.

Q. Is it a fact that he settled with some of such trespassers at a nominal price, and with others at an exorbitant price, for the timber which they had cut and taken from State lands? A. It seems so by what the trespassers said; that is all I know about it.

Q. And who are such trespassers? A. I couldn't name a man that I could remember telling me so; I know that Warren Cole blowed a good deal about it; a man by the name of Rickardson, he took some from him; several others from whom he took little batches of logs.

By Mr. NILES:

Q. Did they tell you that he treated them unfairly? A. I heard them talking about it; I keep a store in the village.

Q. Did they tell you that he treated them unfairly? A. They were telling it in the store; they were in the store, and I heard such talk; the air was full of it for a while, but I never saw nothing.

By Chairman WILDS:

Q. In either of the cases to which you have referred, either the trespass of Rickardson or Mr. Cole, do you know of any differences of settlement having been made? A. No, no; I don't know how they settled; I never asked.

Q. Do you know whether or not they made a settlement? A. I think Rickardson didn't make any settlement, and I don't know as Cole did; the logs were found, and I understood they staid there; were left there; I don't know but he sold the logs to somebody; It seems to me a man from Newcomb came up and bid the logs in.

Q. Do you know of Thomas Powers having seized timber or logs, as having been cut from State lands, and sold the same? A. I know of only one instance; that was some that Jennings, I think, cut.

Q. Is that the only instance of which you have any information? A. That is the only one of which I have any information; Collins, I think, bid them in, and then afterwards Jennings made some arrangements and bought them back; what they made I don't know; the logs were to my mill, and I cut them for him.

Q. Do you know by whom that trespass was committed? A. No, I don't know.

Q. Was it Lewis Jennings or Walter D. Jennings? A. That I don't know; Lewis Jennings drew them to the mill with a team; I suppose his father owned the team; I don't know how that was; his father did own the team.

Q. Well, did he draw them for his own account or for his father, Walter D. Jennings? A. I think he drew them for his father.

Q. And weren't those logs sold by Thomas Powers to Walter D. Jennings? A. Well, my impression is they were sold to Collins first; I won't be certain; Collins bid in considerable logs around here at the same time, about that time; I won't be certain whether Jennings bid them in himself or whether he bought them of Collins.

Q. Were you present at that sale? A. No, sir.

Q. From whom have you any information as to the person to whom the logs were sold? A. I haven't any information that is worth anything; I asked Jennings about the logs, and he said they were gone, "you can saw them now."

Q. Who told you that? A. Jennings.

Q. There are two Jennings? A. The father.

Q. Walter D. Jennings? A. Walter D. Jennings; but I have got it in my head, I think, just now, that they were sold to somebody else first; I wasn't there.

Q. Now, is it a fact that at some time the logs which have been seized for having been cut from State lands have been sold to other persons than those by whom the trespass was committed? A. Yes, sir; I think that is a fact.

Q. Will you state when? A. No, I say I think it is a fact; I don't know it is a fact, but I have so understood it to be so.

Q. From whom have you so understood? A. Well, I understood that some logs at the head of the lake were sold to Collins; Collins sold them afterwards to Helms; that is the understanding, from what I have heard talked; I don't know it.

Q. Now, haven't you knowledge or information of the trespass committed by David Helms? A. No, sir; no knowledge or information; roundabout hearsay, that's all.

Q. When was the trespass committed to which you refer—whether by David Helms or his father? A. I understand they were both trespassers, but I didn't know anything about it; I never was on their lots, and never saw them handle logs or anything of the kind.

Q. Have you ever been on lot 101 of this township? A. Not as I know of, only I passed through the road; I think the road runs through it.

Q. Did you ever know of David Helms cutting timber from that lot? A. No, sir, only by report.

Q. Do you know to what extent his trespass was? A. No, sir.

Q. Do you know where lot 124 is? A. Well, it is there on the back tier there, pretty near the line of the township, I guess.

Q. Have you ever known of William Helms trespass on that lot? A. No, sir; I heard him say that he cut some down timber on that lot; pine; old pine that had been cut for shingles and some of the

best taken out, and he went to cutting butts and tops and got them out; he bought that lot the same way I bought my lots, at that referee's sale.

Q. Well, have you any knowledge or information as to Thomas Powers' having used his official position for his personal benefit? A. No, sir.

Q. Have you knowledge or information of Thomas Powers being at any time interested in the cutting or taking of timber from State lands? A. Not in this township?

Q. Or in any township? A. Nothing only by report.

Q. And what is the report? A. The report isn't worth anything that I can give; I have heard it talked that he was interested in some timber cutting in Minerva, and give people authority or told them to go on and cut it and he would fix it, or something of the kind; it isn't of any use.

Q. Do you mean to be understood as stating that Thomas Powers had or derived personal profit from the cutting or taking of timber from State lands? A. That is what the report said.

Q. Who gave you that information? A. Mr. Durfee told me last fall that he had learned something to that effect, and he guessed there was something of it; that is the most direct thing I have heard about it.

Q. Now, have you indirectly cut or taken timber from any State lands? A. No, sir.

Q. Have you at any time received at your saw-mill timber or logs cut from State lands, except as you have already stated? A. No, sir.

Q. Is it a fact that Thomas Powers used his position as forester for the personal profit of any of his family or connections? A. I don't know it.

Q. Have you knowledge or information of Thomas Powers' ever having cut or caused to be cut or taken from State land timber from State lands? A. I have no information of it.

Q. At any time, that is? A. No time.

By Mr. NILES:

Q. In the affidavit which you made in October, 1894, you alluded to Mr. Powers as a timber thief; on what did you base that statement? A. Well, sir, he lumbered formerly, and everybody says he was a fit man to be looking after timber thieves, for he stole more timber than the rest of the country put together; that is what I based it on; that was the common report, for years.

Q. That was some time ago, was it not? A. Yes, formerly.

By Mr. TEN EYCK:

Q. Who was the party that told you that? A. Oh, I don't know; I have heard it; maybe fifty parties.

Q. What's that? A. Everybody talked it for years.

Q. Who are the parties? A. I don't know.

Q. Don't you remember anyone? A. No.

Q. Not one? A. Not one; it has been talked of for years.

Q. Couldn't you think of one that had told you that? A. Well, I presume half of this town have been interested in the matter, have talked it, and I have heard them tell it.

Q. I say, couldn't you think of some one person that had told you that? A. No; I wouldn't implicate anybody, for I don't know.

Q. We don't want you to implicate anybody. A. No, sir; I don't remember.

By Chairman WILDS:

Q. Aren't half of the people of this town accustomed to steal their timber from State lands, for building purposes and for fuel? A. A good many of them haven't any fuel of their own, and this country has been wild, you know, until within a few years, and the owners of lands here used to let the people, for their own use, cut any timber they were a mind to, anywhere; that was the former practice, and it never has been fully abandoned until within a few years.

Q. It is not looked upon as a very heinous offense is it? A. No, sir; it is not considered by the majority of the people a heinous crime at all; half of the people haven't got any wood of their own that lives around the vicinity; before the State got it the owners wouldn't sell no land, and then the people who originally owned it kept selling off and selling off, and consequently they have got to go outside for their logs; they haven't got any logs and very few have got any wood for that reason, and so they never have considered it any crime.

By Mr. NILES:

Q. Do you consider it a very great detriment to the forest, where the timber taken is timber simply necessary for fire wood? A. If you want the forests improved that is the thing to do.

Q. I ask you if you think it injures them to take simply what is necessary for fire wood? A. No, sir; you may go right on these lands, and where the timber has been taken you would call it good forest to-day.

By Chairman WILDS:

Q. Have you ever known of timber being taken out of this township over or through Long Lake until last winter? A. No, sir; not from any State land.

Q. From any land whatever? A. Yes, I will take that back; Butler lumbered on some lots there to Rock pond and he went outside the lines; he went over on two sides of the lots and took off lumber — no, one side; one side was private property and the other was State land.

Q. Where is Rock pond? A. (Indicates on map.) It is in township 22; the line between the south half and the north half runs through it from east to west; the lots that Mr. Butler lumbered lay on the township line between "21" and "22," and he lumbered on one of the 21 township lots; I don't know what number it was.

Q. On lots "24" or "12?" A. "Sixty-six" and "67" are the lots he lumbered; he went over that side.

By Mr. ELDRIDGE :

Q. How do you know he went over? A. I heard it; I saw the man that sold him the timber on the two lots that he did lumber, and I went over to show parties that looked the matter up afterwards where the line was.

By Chairman WILDS :

Q. I have asked you whether you at any time have sold standing timber on any lots whatever? A. It wasn't on State land, as I understand it, State lots.

Q. You didn't inquire as to whether the timber was standing upon State land or not? A. That is what I understood.

Q. Have you now sold timber, at any time? A. I sold a little timber on "66" and "67" to Mr. Butler, four or five years ago.

Q. Township 22? A. Township 22, south half.

By Chairman WILDS :

Q. Totten & Crossfield purchase? A. Yes, sir.

Q. What other transactions have you had in the purchase or sale of timber? A. That is the only one that I recollect of—in recent years, any way; I understood you to mean State land; lots "66" and "67" of township 22, south half, lie right in the corner.

Q. Border upon lot "24" of township "21?" And Ed. Butler—what did you say about what Ed. Butler did on that lot? A. He cut over on to the township.

Q. Cut over on to lot "24?"

By Mr. TEN EYCK :

Q. Didn't I understand you to say you sold him some lots there? A. Yes, sir; lots "66" and "67," township 22, south half.

By Chairman WILDS :

Q. What was the extent of Ed. Butler's trespass on lot "24?" A. I guess not very large.

Q. Did you make any personal examination? A. I did not; I simply showed some parties the lines, that were looking the matter up.

By Mr. TEN EYCK:

Q. Who were the other parties? A. Parties that owned the lands in the other township; he cut over the other way, too; he cut over on to the corner lot of the north half of "22;" some parties from Potsdam, I think.

Q. Did you ever report that trespass to Mr. Powers? A. Mr. Powers knew of it; yes, sir.

By Chairman WILDS:

Q. When did that occur? A. I guess five years ago.

Q. Without any guessing, tell me when it occurred? A. I can't do it; if I was to home, I have got a record of it at home.

Q. Were you not, when you were subpoenaed, requested to bring with you all your books, paper and memoranda that might aid you in your testimony in this inquiry? A. I didn't know what was expected, or what I was going to testify to; I didn't dream that transactions with Butler, that wasn't on State lands, were going to be brought into question.

Q. You have knowledge that he did there trespass upon State lands? A. No more than I see where he had worked and he had cut the logs on my lot, and I supposed on that; I didn't see him cut the logs.

Q. Was there anyone cutting the logs for Ed. Butler on that job? A. Oh, he had twenty men in there to work; more too, I guess. Powers knew all about it.

Q. Who was the "boss" of that job? A. Well, there was a man by the name of William Cullen, I think, Alexander Duane; two of them I think were "bosses," sub-jobs, or something of that kind.

Q. Do you know of any transaction or settlement made for that trespass on lot "24," township "21?" A. I heard Butler say that he had settled for it, that is all I know about it.

Q. With whom? A. I don't know.

Q. When did he tell you that? A. Oh, a year after it was done or so; about three years ago.

Q. With whom did he say that he had settled? A. I don't recollect; I understand now that he settled with the Forest Commission.

Q. From whom is your present understanding? A. From whom?

Q. How recent? A. Oh, three years ago; there ain't been anything said about it lately that I have heard.

Q. Well, Thomas Powers seems to have been a very active official in following up trespassers in this locality; is that not the fact? A. Yes, sir, I think so.

Q. Do you know of his neglect of duty in any case? A. I do not.

Q. Do you know of his omission to prosecute for any trespass on State lands? A. I do not.

Q. Well, have you any further confessions to make of trespass on State lands? A. No, sir.

Q. And have no information of any other trespasses than those of which you have made statement here? A. None. sir.

By Mr. NILES:

Q. Does that apply to other townships as well as this township? A. I don't know anything about any other township at all; I am not familiar with any township but this, and not very familiar with this.

Q. You know Newcomb, don't you? A. I know where it is, but I am not very familiar with it.

Q. I thought your church was out there? A. The church is out there, yes—and I know where the people live; but the woods I don't know anything about.

By Chairman WILDS :

Q. Have you had conversation with anyone in reference to the testimony which you might give before this committee? A. No, sir; I haven't said a word to anybody about it since I was subpoenaed yesterday; nobody knew I was coming here, and I didn't know what was wanted or what the nature of it was, or anything.

By Mr. TEN EYCK:

Q. Did I understand you to say that you didn't know of any person who had told you that Mr. Powers had settled at a nominal price with some people and a high price with others? A. I don't know; I have heard it talked, but it was nothing but "blarney;" I didn't believe it when I heard it; they thought because he was a brother-in-law to Butler, I suppose, that he could get favors—and I don't know whether he did or not.

By Mr. NILES:

Q. If you did not believe it, why did you state in your affidavit that it was a known fact? A. I don't think I put it in that way.

Q. That is the language of your affidavit? A. Well, I didn't make any affidavit; only just a statement; I guess I put my name to the statement; I don't believe I swore to it at all, and I only heard—

Q. Your statement reads; "it is a known fact among our people that one Thomas Powers, State forester, treats the trespassers about here very indifferently, settling with some at a nominal price and from others demanding an exorbitant price." A. That is what I have been saying to-night, that that is what people talked.

Q. Why did you state that it was "a known fact," if you didn't believe what the people said? A. Well, he wanted I should state what the general talk was in town, and he put it in that shape; I guess I didn't mean it should be in that strong language, but that is what everybody talked that he treated them, but personally I don't know anything about it.

By Mr. TEN EYCK:

Q. Did I understand you to say that you didn't know anybody that had told you that Mr. Powers used his office for the benefit of himself or his political friends, in reference to trespasses? A. I couldn't name a man, but I have heard such things talked; I have kept store, and people have talked in the store, and when that thing was going on there was quite a good deal of noise about it; I didn't believe it or disbelieve it; I didn't put my confidence in it; I know people say some things about people in office when they don't know much about it; I have been talked about myself in that same way, and that is what I meant to convey, that it was known fact that people talked it, not that it was a fact itself; I knew nothing about it; Mr. Powers, in what transactions I have had with him, has always been manly and straight and he didn't act as if he wanted to take any advantage of anybody, but, as I said, public people always have things said about them.

Q. Have you ever heard of a trespass in this locality that he has failed to prosecute? A. No, sir, not where he knew it; no, I guess he has taken care of it all right.

Adjourned for the night.

MORNING SESSION.

"THE SAGAMORE,"
LONG LAKE, N. Y., August 29, 1895. }

HENRY BRADLEY, being duly sworn, testified as follows:

By Chairman WILDS:

Q. What is your full name, age, residence and occupation? A. I was 62 years old the 19th day of last July; residence is Olmsteadville, Essex county, New York.

Q. What is your business? A. Well, that's a sticker; I have a variety of business; I have charge of Mr. Durant's real estate now; that is my business.

Q. Well, how long have you run that business? A. About four years; I think it will be four years in December.

By Mr. WAGSTAFF:

Q. Which Durant is this? A. William West Durant.

By Chairman WILDS:

Q. I suppose you have at your tongue's end a statement of all the land that is claimed to be owned by W. W. Durant? A. I don't know as I have got it at my tongue's end; I know some of it; we own township 6, all of it.

Q. Not the whole of it? A. He owns every bit of it.

Q. In township 6, Totten & Crossfield purchase? A. Yes, the State claims two lots in it, but they don't own it; it has been canceled and it should be crossed off on that map; he owns the whole township.

Q. Great lots 24 and 31 are indicated on the Forest Commissioners' map as State lands? A. I say he owns the whole township.

Q. Does he own anything in township 5, Totten & Crossfield purchase. A. Yes.

Q. How much? A. Fifteen hundred acres.

Q. Whereabouts? A. I don't know as I could locate it in the township; I should say that it was in the northerly part, next to "6."

Q. Well, will you not correct that statement by reference to the map, which I now show you? (Shows witness map.) A. I think it is on the north side of "5."

Q. That is, the easterly side of "5?" A. That is; I don't know but what you are right about that; I guess it is; it is the easterly side of "5;" there it is, right there (indicating); I think it is 1,500 acres in there.

Q. Embracing Mohican lake? A. Yes, sir.

Q. And its outlet? A. Yes, sir; that is right.

Q. How long has he owned that strip, or claimed the same? A. Well, I don't know; he owned it when I was in with him four

years ago, because it was in the list with the others; I don't know how long he had owned it before that.

Q. What else does he claim to own? A. He claims to own a portion of "34," about twenty-one thousand acres; he bought that of the Morgan Lumber Company; he owns it all except about one thousand acres of resident land around Blue Mountain lake; he owns the entire township, except that; I think it is about one thousand, or a little over; I don't know exactly the number of acres; Duryea's and the Prospect House, and the Hollands and Cranes there; about one thousand acres, I think it is.

Q. Is that all he owns? A. In there?

Q. Anywhere? A. He owns 3,000 acres in township 19.

Q. The same being lots "10," "11" and "12?" A. That is right.

Q. Of township 19? A. Yes, those are the lots.

Q. Each being 1,000 acres? A. Yes; they overrun a little.

Q. Does he own anything else in the Adirondacks? A. Yes, but I can't tell you how many acres in this township 22; he owns several lots in there, 17, 20, 28, 27, 26, 25, 24, 39, 40, 41, 46, 47, 48, 49, 50, 51 and 58; he did own more, but I sold that part the other day.

Q. He did own the northeasterly quarter? A. Yes, sir.

Q. How many acres in there? A. Sixty-three hundred acres.

By Mr. ELDRIDGE:

Q. Who bought it? A. Harper Brothers, in New York.

Q. What did they buy for—a preserve? A. Yes.

By Chairman WILDS:

Q. Does W. W. Durant own anything else in the Adirondacks; doesn't he own a small bit of land on township 40? A. Yes, sir; that's right; I guess he now owns 40 acres there on that point.

Q. Right on the point on Racquette lake? A. Yes, sir; I sold the camp last February to C. P. Huntington.

Q. How many acres? A. Seventy-five acres of this point; and I think it left 40 acres that he still owns of the land; there is no buildings on it, though.

Q. Merely woodland? A. Yes, merely woodland.

Q. That is along the easterly side of the south bay of Racquette lake? A. No; that is along the northerly side of the bay; it is on what they call "Long point," that is the name of the point it is on; then he did own here last fall; he owned about nine thousand acres in township 7, that I sold to the State last fall.

Q. What part of the township was that in? A. That was in the southerly part.

Q. Embracing all of the southwest quarter of township 7, excepting a strip of about one thousand acres along the northerly side thereof?

A. Yes, sir.

Q. And also all of the southeasterly quarter of township 7, excepting a strip of about two thousand acres on the southerly side thereof?

A. That's right.

Q. Does W. W. Durant own anything else in the Adirondack region? A. I don't remember now; there may be some other lots that I don't remember scattered around; I think there is some in Arietta, or Morehouse; I think there is some lots there, but I can't give you the number or the acres, and I have nothing with me to show it; I think there is three lots in there; and then there is three lots in township 26, Totten & Crossfield purchase.

Q. What are the numbers? A. Well, sir, I can't tell you; I can't give you the numbers.

Q. Can you, by reference to the map? A. No; I don't remember the numbers of the lots.

Q. Or their location? A. No, sir, I couldn't give you the numbers.

Q. What is the character of the existing timber land on the several townships and lots to which you have referred? A. Well, township

19 has been lumbered; the timber is all taken off from that, that is, by Finch, Pruyn & Co.

Q. That is, on the 3,000 acres that he there owns? A. Yes.

Q. Well, was only the soft timber taken therefrom? A. That is all; the spruce and hemlock.

Q. How long since that lumbering was done? A. Oh, I guess the last time that they lumbered there was about three years ago; I think it was about three years ago that they cut the last.

Q. Well, is there any existing right for the cutting of timber upon those 3,000 acres? A. Yes, sir.

Q. Held by Finch, Pruyn & Co.? A. Yes, sir; that is, the size that they are to cut down to, you mean?

Q. Yes; is there any continuing contract? A. No, oh, no; when it was once lumbered over then the contract ceased; when they lumber over any part of it then, after they once lumber over, it ceased; now, there is more that he owns that I had forgotten about; he owns about nine thousand, I think betwixt nine thousand and ten thousand acres in township 27 and 28, Totten & Crossfield purchase, in the town of Newcomb; I forgot that.

Q. Well, what parts of those townships? (shows witness map). A. He owns the Ord's patent, in the northwest corner of township 27; he owns that, all except those residences up there.

Q. Except a few — A. I think it is about 250 acres in the mill lot.

Q. Except what? A. Except the residence on the mill lot.

Q. Around the town of Newcomb? A. Yes; all of it is in the town of Newcomb, but it is up next to Rich lake there; the road runs through it, and there is some residences there, and I can't tell you exactly the amount; he owns it all except that; and then he owns in the southerly; I think it is the southerly part, along Rich lake there in "28," on the north side of the lake; he owns there, I think, from "4" to "24," those lots; from "4" up to "24," I think.

Q. What is the character of the existing timber on those lots? A. The soft timber is taken off, the spruce and pine.

Q. And is that the case also with reference to the existing timber on what is now owned by Mr. Durant, of the Ord's patent? A. Yes, sir; it has been lumbered once.

Q. Well, what is the character of the existing timber on township 34? A. Township 34 has been partly lumbered.

Q. And where you say "partly lumbered," you mean simply that the pine and spruce have been cut out? A. Yes, sir.

By Mr. ELDRIDGE:

Q. You mean it has been partly cut over? A. Yes, sir, it has been partly lumbered; the territory has been partly lumbered over.

By Chairman WILDS:

Q. And what is the character of the existing timber on township 6? A. Well, that has never been lumbered; the timber on that is good; good spruce and pine.

Q. And what is the character of the existing timber on the 1,500 acres in township 5? A. That never has been lumbered; that is all primitive forest.

Q. Well, have you had, at any time, any transactions in the purchase or sale of standing timber on your own account? A. Yes, sir.

Q. In what township? A. Township 22; that is, not on my own individual account; I have sold the timber on "22," the northeast quarter; what do you mean, my own individual account?

Q. Yes, and by whom was the land there owned? A. Owned by me; that is, I am not speaking of "22" now; I sold the timber on that for Durant.

Q. My inquiry here is in reference to your personal transactions? A. Yes, I have bought land and sold it, and sold the timber in township 26.

Q. In any other township? A. Yes; in township 27.

Q. In any other township? A. I think not; no, sir.

Q. You understand my question to be that you have bought and sold timber on lots in townships 26 and 27? A. Yes, sir.

Q. Totten & Crossfield purchase? A. Yes; I bought the land and sold the timber; that is what I mean to be understood; sold it by the market.

Q. What lots of township 26 do you claim to have bought?

A. I claim to have bought "101," I think it was "101" and "118."

Q. You mean you bought the whole of "101?" A. Yes

Q. And of whom do you claim to have made that purchase? A. I bought that of a man in Albany; Sherman; he was agent for some parties who owned it, the White heirs, I think it was; Banyear heirs, I think they were the ones that claimed to own it, and I bought the lot of it; I think it was some eighteen or nineteen years ago.

Q. Were the taxes all paid on the lot when you made the purchase?

A. Yes, sir.

Q. Did you pay the taxes from year to year on that lot? A. No, sir.

Q. What taxes, if any, did you pay on that lot? A. I didn't pay any.

Q. At any time? A. No, sir.

Q. And when did the lot pass to the State, by virtue of your failure to pay the taxes thereon? A. I can't tell you that; it went back to the State and the State owns it now, for their taxes; taxes run along you know several years before they had a tax sale, and then it went back to the State.

Q. You claim to have bought lot "101" of township "26," eighteen or twenty years ago? A. Yes; now then I can't tell you when it was sold for the taxes, but I didn't pay the taxes on it.

Q. At any time? A. No, sir.

Q. How much did you pay for that lot? A. I paid \$5 an acre.

Q. Containing 200 or 300 acres? A. There was 236 acres in the lot, and when I come to run it out (I bought it by the acre), and when we come to run it out, it fell short; there was 228 acres in it; I went and had it run out.

Q. I thought all the lots of township 26 were of uniform size? A. No, sir; they aint; some of them 160 acres, and some of them run up to nearly 260, I think; they are not of uniform size.

Q. Did you at any time cut the timber from lot 101 of township 26? A. Yes, sir.

Q. When? A. Well, right after I bought it.

Q. Eighteen or twenty years ago? A. Yes, sir; it is somewhere about that time; I couldn't tell you just when.

Q. You then cut the pine and spruce? A. Yes, sir; and hemlock

Q. And hemlock? A. Yes, sir.

Q. Off the whole lot? A. Yes, sir.

Q. Do you know of any cutting of timber since that time, on that lot? A. No, sir; I don't know it.

Q. Have you any information of any cutting of timber at any time on that lot since you cut the soft timber therefrom, eighteen or twenty years ago? A. No, sir.

Q. Well, when did you buy any interest in lot 118 of township 26, Totten & Crossfield purchase? A. I bought it from the State in 1859.

Q. A tax title? A. No, sir; I bought it direct; yes, tax title; yes, sir; that is right.

Q. On the sale of whose interest therein; on the sale of the land for non-payment of taxes by whom? A. That I can't tell you; I bid off 50 acres of that lot, and two years after I got a deed of it from the State, and I have owned it ever since, paid the taxes on it; lumbered it two or three times since; I lumbered the spruce and then I peeled the hemlock.

Q. In what part of lot 118 are those 50 acres located? A. Center part.

Q. In the north central? A. Well, yes, it would be in the northerly center part; they excepted, at the time of the sale, I think, 126 acres.

Q. Out of the whole lot? A. Out of the south part of the lot; 126 acres; and then I took my 50 acres right off of the north of that, the way it was run out.

Q. Do I understand that you have cut timber from the 50 acres?
A. Yes, sir.

Q. And stripped it of its soft wood? A. Yes, sir.

Q. And when was that cutting done? A. Well, it was done right after—well, I should say it was in 1862 or 1863 that I cut it the first time.

Q. Well, has there been any cutting of the soft timber on that lot since then? A. Yes, sir.

Q. By yourself? A. No, sir; I sold the timber to another party.

Q. To whom? A. Patrick Dougherty.

Q. When? A. About three years ago.

Q. In 1892, about? A. Yes, sir.

Q. Was there any timber on that lot, marketable timber on that lot, at the time of your sale? A. Yes, sir.

Q. How much? A. Now, I don't remember now, how much he got off from it; I can't tell you; I sold the timber, lumped it right off, so much; I got \$125 for the timber standing on that 50 acres.

Q. That was paid to you in cash? A. Yes, sir.

Q. Do you know by personal knowledge of the timber then standing on that lot, that there was any marketable soft timber then standing upon it? A. Yes, sir.

Q. How much? A. Well, that I can't tell you, how much, for I don't know how much he cut.

Q. Was there a hundred and twenty-five dollars worth? A. Yes, sir; I think there was; I think he made more out of it than that; I am pretty sure he did, but I don't know how many markets he got off

from it; I offered to sell it to the State, to the Forest Commission this lot, for \$1.50 an acre, I don't know, four or five years ago, and they sent a man on there to look at it; they agreed to take it; they sent on a man there by the name of Powers, Tom Powers, and we went to look at it; before they would buy it they wanted to send their man on to look over the timber; when I went on to look the timber over and see how it was improved, I told Powers, I says, "You can't have it now for that amount; I won't sell it for that." I had agreed to let them have it for \$1.50 an acre, or at least they passed resolutions to take it at that.

Q. That would have been \$75 for the whole 50 acres. A. Yes; and I got \$125 for the timber and I have got the land yet; the State owns, I think, that 126 acres adjoining me.

Q. And have always owned it; owned it at the time you bought? A. No, sir; they didn't then own it; they got it afterwards.

Q. How long after? A. Well, I can't tell that, but they didn't own it at the time that I bought these 50 acres; there was a man by the name of Morrissey, I think, owned it then; I think that was the name that owned this 126 acres.

Q. I suppose you know that Pat Dougherty sold out his right of lumbering there? A. Yes, sir; that is right.

Q. To somebody? A. Yes, sir.

Q. To whom? A. Burto, I think his name was, Nelson Burto; he sold it out to him.

Q. And anyone else? A. Not that I know of; I don't know of anyone else, but I understood Dougherty, he told me he had sold it to Burto.

Q. Don't you know that Charles Callihan and John A. Owens owned some pretended right of entry to cut timber from the 50 acres; cut timber on the adjoining 126 acres belonging to the State? A. I don't know, sir, whether they did or not.

Q. Haven't you ever heard of the timber so cut by them having been seized by the State? A. Well, I heard that there was some in

the 16th township seized by the State, but I never knew that they lumbered on "26."

Q. Was the right which you sold Pat Dougherty a right continued for longer than one season? A. No, sir.

Q. Will you state definitely the terms of the transaction which you had with him? A. He went and looked over the timber, and I told him he could have it for \$125, be the same more or less, on those 50 acres, and he said he would take it; and he says, "I will pay you as soon as I get them cut and skidded;" and they were to be taken off in one year.

Q. Has he ever paid you? A. Yes, sir.

Q. When? A. He paid me that winter of the sale, or in the spring.

Q. In the year 1890? A. Eighteen hundred and ninety-one or 1892; I forget now the year, but it was about that time; yes, I got my pay.

Q. And that closed the transaction? A. Yes, sir.

Q. With him? A. Yes, sir.

Q. And you never had anything further to do with him in reference to the timber on any part of lot 118? A. No, sir.

By Mr. NILES:

Q. Is it a fact that you did not know at the time that you made that sale to Mr. Dougherty, that there was no standing marketable timber on that lot? A. Why no, I went and looked the timber over with Powers before I sold to him; that is the reason that I didn't sell it to the State, because that this spruce timber was on it; they now, you know, cut timber down smaller than they used to.

Q. How long was that before your sale to Dougherty? A. That I looked it over?

Q. Yes? A. That was in the summer that I looked it over, and in the fall I sold to him.

Q. You can not state how much marketable timber there was on the lot at that time? A. No, sir, and I don't know how much he got off when he cut it.

Q. Can you state that there was any marketable timber on it at the time that you looked it over with Mr. Powers? A. Yes, sir.

Q. But the amount is now so small that you can not now state how much there was standing on that lot? A. No, sir, I couldn't, only when I came to look it over and see the timber that was there that I was satisfied there was more timber there than what the State was offering to pay me for the lot, and that is the reason I didn't let them have it.

By Chairman WILDS:

Q. Did you ever give anyone else the right to cut timber from any part of lot 118? A. Yes.

Q. To whom did you give such right? A. James Lindsey.

Q. And when? A. I can't recollect the year, but it was some eight or nine years; I can't tell the year it was.

Q. And what was your transaction with him? A. He came to me one day, and he wanted to buy the timber that I had on that 50 acres, and I sold that timber to him for \$40, but I don't think he ever cut a bit of it; he didn't cut any hardly; he had one year to take it off, and it came back to me; I think it was forty dollars he paid me for that.

Q. Is that the only transaction in reference to the timber on that lot which you had? A. No; I sold the pine, maple, or bird's-eye maple on it to some fellows—I can't tell you what I got for that either; it was so much a market.

Q. When was that? A. Oh, that was 12 years ago; I couldn't tell you exactly, but I think it was about twelve or thirteen years ago; them fellows over from North Creek there; and what I got out of it I don't remember.

Q. Is that the only other transaction in reference to the timber on that lot which you have had? A. I think that is the only other; I don't remember any other.

Q. Have you been upon the lot since your transaction with Pat Dougherty? A. No, sir, I have not.

Q. Then you do not know the character of the existing timber there? A. No, sir; I haven't been on it since he cut.

Q. It seems to have been a prolific 50-acre lot? A. Well, it was a pretty nice lot for me; I will tell you that.

Q. And for some others, too? A. Well, I don't know how that is; I know I bought it at a tax sale, and it turned out that I made a good, nice thing on it, taking the timber and bark and all.

Q. Don't you know that Pat Dougherty sold, or pretended to sell, to Callihan & Owens the right to cut timber on lot 118, or some portion thereof, being the part which he claims to have bought from you? A. No, sir; I do not.

Q. And that Callihan & Owens entered upon that lot and cut timber from State lands? A. No, sir; I do not.

Q. You have never heard of anything of that kind? A. No, sir; no, sir.

Q. Well, as I understand, you have had no interest in any land in township 26, Totten & Crossfield purchase, except as you have stated, in reference to lots 101 and 118? A. That's right.

Q. Did you ever interfere with Callihan & Owens cutting timber from the 50 acres which you claim to have owned in lot 118? A. No, sir.

Q. And why not? A. I didn't know they were there; I didn't have nothing to do with them and didn't know they were cutting there; I sold to Dougherty and got my pay from him; that is all there was of it.

Q. And he merely had permission to cut timber there; so he cut during one season? A. That is right; well, that would be part, say, of 1892 and 1893; it would count both of those years, you know; supposing I sold it to him in the fall, why he would go on there and go to lumbering, and then he would have in 1893, you know.

Q. Not the whole of 1893; you stated that you gave him merely the right to lumber there one season? *

By Mr. ELDER DGE :

Q. That would include both years, one season, wouldn't it? A. Yes, include both years, of course.

By Chairman WILDS :

Q. You made your contract with him in the fall of 1892? A. I made the contract just as I am telling you; we had no writings or nothing on it; didn't draw no writings or nothing of the kind; he bought the timber.

Q. Didn't you give him a receipt? A. No, I guess not; I don't remember of giving him a receipt; he paid me; he come and bought the timber, just the same as you would buy a horse; he says, "I will pay you when the logs are cut and skidded," and he got his pay from whoever he sold the logs to, and paid me.

Q. Whom did he sell the logs to? A. I think he sold the logs to Johnston; Andrew Johnston, I think it was.

Q. You say that Nelson Burto lumbered there for Pat. Dougherty? A. I understand that Pat Dougherty sold to Nelson Burto; sold his right, you know, to Burto; that is what I understand, but I never heard anything about Callihan and them lumbering on it; didnt' know that they ever did.

By Mr. NILES :

Q. Do you know that 15-acre tract on that lot 118? A. Fifteen-acre tract?

Q. Yes; of State land? A. No; the State ain't got no land in that 50 acres, either; I have had two or three rows with them; they claimed to have 15 acres out of one corner of it.

Q. Why did you direct Mr. Morse to include that 15-acre tract in the survey that he made of that lot for you? A. He made for me?

Q. Yes. A. Why, what Morse done for me was to run out my 50 acres; he run it out in the first place.

Q. Just answer the question there. Won't you read it?

(Stenographer reads question as follows:) "Why did you direct Mr. Morse to include that 15-acre tract in the survey that he made of that lot for you?"

A. I told Morse to go on and run that out, that 50 acres, just as he ran it out in the first place.

Q. Can't you answer the question why you directed him to include the 15 acres? A. Well, I don't know as there was any talk about the 15 acres; I never knew anything about the 15 acres till here a year ago.

Q. Mr. Morse says that you directed him to include that in the survey? A. What I told Morse, if I remember right, was to go on and run that out, just as he run it out for me in the first place.

By Chairman WILDS:

Q. Well, how was that? A. We excepted 126 acres in the south part of the lot, and then run off 50 acres of the center part, running up here 126 chains; then he run right straight through the lot and took off 50 chains here, and run right straight through; that is the way it was run, and that is the way that I lumbered, and that is the way I sold it.

Q. Well, what directions did you give Orson P. Morse in reference to that 15 acres? A. I didn't know nothing about the 15 acres then; I told him to run it just as he run it in the first place; if that included the 15 acres I wanted him to run it, of course.

Q. You were entitled to only 50 acres there, and why did you tell him to include 15 acres more? A. I didn't tell him to include 15 acres more.

Q. He so testifies? A. Maybe he did.

By Mr. NILES:

Q. When did you first learn of the 15-acre tract? A. I learned it here, of the Forest Commission, a year ago or so, that they claimed 15 acres out of my 50; they claimed a corner up there, but they don't own it; they aint in it when they come to put me off; I propose to

show that they don't own that, and you can take their tax sale and you can't show it.

By Mr. TEN EYCK :

Q. The Forest Commission claimed 15 acres in there, but you had possession, and still have possession? A. Yes.

Q. And they have not taken any proceedings to remove you out of possession? A. No, sir.

By Chairman WILDS :

Q. Was that 50 acres ever enclosed? A. No, sir, only by these lines that were plainly marked.

Q. No fence was ever run? A. No, sir.

By Mr. TEN EYCK :

Q. They do not usually run fences up in this locality, do they? A. No; they go to work and run out and mark a line around it; whatever you own, you go on and survey it out, and they blaze trees right around; that is the only way they do here in the Adirondacks; they don't fence their lots, not in wild land.

By Chairman WILDS :

Q. Now what lots of township 27, Totten and Crossfield purchase, have you owned and claimed any interest in? A. I bought lot 8, lot 3 and lot 16 from the State, and they gave me a deed of it from the State.

Q. In what survey? A. Thorne's.

Q. When was that transaction? A. It was twenty-four or twenty-five years ago.

Q. Have you ever paid the taxes on those lots? A. No, sir.

Q. And they have never been paid, to your knowledge, by anyone, on your behalf? A. Not on my behalf.

Q. You bought merely a tax title? A. No, sir, I bought them from the State; they gave me a deed of it; the State claimed to own those lots, and I went down and bought them from the State; they gave me a deed of it.

Q. Have you ever claimed the right to do any lumbering there since then? A. Well, I can tell you the whole history of it and then you will know; when I bought them I supposed that they were in another survey, when I bought them from the State, and there was timber on them; and lot 16—come to find out, they were in another part of the township, and they claimed to have got them from the tax sale, I think of 1836, I think that was the tax sale that they claimed to get them; well, when I come to go on and locate those lots, one of them, they claimed, was a resident lot, lot 3, the man, and cleared there, cleared a part on to that lot; and he got that sale canceled, after I had a deed of it; they canceled the sale; lot 16, there was a man by the name of Dunlap living on it; so I figure^d up with Dunlap what I had paid for the lots, and deeded to Dunlap his homestead there; that I could have held, because it wasn't resident land, two years after they got it; so he bought that and lot 8 of me, and paid me for it; that is how I disposed of them; and then I went back to the State to get pay for my lot 3 that they had took away from me, and they wouldn't pay me back my money; so I went to the Legislature, and they passed an act and paid me back my money, what I paid on lot 3.

Q. How much did you pay? A. I think I paid 75 cents an acre.

Q. How many acres are there? A. My jolly! I forgot now; it was the same on the whole of it; that is, it was so much an acre, and I think it was 75 cents an acre that I gave the State for it.

Q. Have you ever had any other transactions in reference to any of the lots in township 27? A. No, sir.

Q. Or in any other townships in the Totten & Crossfield purchase? A. I don't think of any now; I don't think of any now.

Q. Now you have had considerable experience in the care and protection of forest lands? A. Yes.

Q. In the course of your duties as agent or forester for W. W. Durant? A. Yes, sir.

Q. Will you give us the benefit of your experience, and tell us how you think the interest of the State in the forest preserve can best be protected against depredations? A. Well, sir, that's right; I have had considerable experience as forester and as agent for him; now my opinion is in regard to this preserve, in regard to the preserving of it, that the State should purchase and own it, all of it, that is, all forest lands, in order to protect it; I don't think that they can protect it, the way that it is, effectually; a man owns a lot right in the center of the State; my opinion is that the State should purchase it, buy it and pay for it, just the same as an individual would, and then they can control it; but where Richard Roe and John Doe owns lots around through the township, it is pretty hard to control it, because they will lumber over, and you haven't got men enough to watch it all, and they will cut more or less on it, in spite of all you can do; they do on Durant; they do with us, and I watch it as close as I can; but if they owned it all, it is just as easy to protect a township as if you owned 1,000 acres in it, and easier; if you own it all, it is easier to protect it, because then there ain't anybody going on to it.

By Mr. NILES:

Q. That is, if they lumber anywhere you know they are stealing it? A. Yes, that's it exactly; now with ours, we have got all the lines plainly marked around them, all around, so that you can tell; well, there ain't nobody to go in on there, and it is easy to watch it and protect it; now, if the State owned all this land, it would be much easier to protect it and have it all right; I believe if a man owns and buys this land now, land that has been once lumbered over, and he can buy it for \$2 per acre, that it is a good investment to wait for the growth of the timber; I say that the growth, if you keep the fire out of it, that it is a good investment for me to buy and hold; the growth of the timber on it will pay you the interest on \$2 per acre; I lumbered "118;" about sixteen or seventeen years afterwards I sold the timber on it for \$125; I call that a good investment.

By Chairman WILDS :

Q. You know that trespasses on State lands are very frequent, don't you? A. Yes.

Q. In all the townships, wherever State lands are located?

A. Well, there is more or less of it; a man that owns a lot in the State, and the State owns adjoining it, he is pretty certain, if he lumbers it, to take every line tree, just as certain as he comes to them; he won't leave half of them; he takes every line tree.

Q. I suppose what you mean — A. I mean a tree that stands on the line, that is blazed.

By Mr. TEN EYCK :

Q. Is that what you mean by saying that there are a numerous number of trespasses? A. I was forester in the Forest Commission, that is, the No. 1 Commission, and there was some, and I think I collected a couple of trespasses.

Q. Do you know of any number of trespasses of any considerable extent, where a trespass has been committed to sell the lumber again? A. No.

By Chairman WILDS :

Q. Don't you know of John J. Wakeley and Pat Moynehan having committed very extensive trespasses on State lands? A. No, sir, I do not.

Q. Well, it would not be a surprise to you to know that that was the fact, would it? A. Well, really, most anything now would not be much of a surprise to me; a man hung himself over in our town the other day; that was a surprise to me; but I wouldn't be surprised to hear of men cutting timber on State land; no, sir, it wouldn't be no surprise at all to me.

Q. Any trespass upon State lands is looked upon as a very trifling offense, isn't it? A. Well, I will tell you; I think that — my experience is that people sometimes trespass on State lands when they don't intend to; that is, I own a lot here and the State owns one adjoining me;

now then there may be a dispute of the lines in regard to it; it is so with individuals; you may own one lot and I one lot, and there will be two lines there; both lines can't be right; one is right and the other is wrong; well, they often get the wrong line, and lumber up to the wrong line; now you take those townships here; take township 34; there is two set of lines run around them; "19" is the same; there is two lines running along right parallel with each other, and it is just so down here on this township here, "21," betwixt that and "35;" there is two plain lines marked the whole length of that township, and one of them is older than the other, and there is a dispute there in regard to it, and what they claim is that the old line holds; you take the blazes, you know, and cut them out, and count the grains, in order to get the number of years that it has run; every year makes a little grain, circle around.

By Mr. TEN EYCK:

Q. As I understand it, it is not considered a crime or an offense, or anything out of the ordinary, for people who live in this locality to cut firewood from State or individual land that don't belong to them, or even cut a few logs to build a shanty or barn, or repair a barn or house; is that a fact? A. That is very usual—common.

Q. But it is considered a crime or an offense to cut logs from the State lands, if it is cut for the purpose of marketing and selling the logs again? A. Yes, sir.

Q. Now, in the first case that I have spoken of, it is a common thing to hear of trespasses of that sort? A. Yes, sir.

Q. But it is not a common thing to hear of trespasses of the latter case that I have spoken of? A. No, sir.

Q. And do you know of any trespass of the latter case? A. What do you mean—of individuals cutting?

Q. For the purpose of marketing and selling on a large scale or small scale? A. I don't know of any of those.

Q. Do you think it would pay the State, that is in case they didn't buy all the land that they don't own in the Forest Preserve, if they re-surveyed what property they do own; that is, re-surveyed the outer boundaries, not the sub-divisions? A. I understand.

Q. And then marked the trees on the line, and put up signs at intervals indicating which side of the line the State owned and which side was individual property, and also on the same signs have written the law and the penalties that could be inflicted if a trespass was committed on State lands? A. I think that would be a first-rate, good idea; we do it; we put up and we—even on those lots down here that we own along Long lake—we put up the number of the lot and the township and “All trespass is hereby forbidden;” now when I was forester for the State I had some notices put up around the township lines of “40” and “6;” that is where we crossed with the steamboat; I guess it is standing there yet; you will see them when you go up after you get out of Forked lake and into Racquette lake, where the township line is betwixt “35” and “40.”

Q. You don't quite answer my question; I asked you if you thought it would pay the State to have this re-survey that I have spoken of and have these signs put up at intervals; do you think it would pay the State to do it, to go to that expense? A. Well, I do; I think that it would pay the State to put up signs, for this reason; now, then, supposing here, here is a new commission just come in only here this winter; now they have got a new set of foresters; now, then they don't know anything what the old have done; they can't go on there and locate those lots without a survey; the old ones who had been round it once and knew where it was, could go and locate it, but if this present Commission surveyed out their lands and marked it, why then when it comes to change here in a few years, when the Democrats get hold again, they will know where the lands are; it would be known, you could go there, or anybody could go there, and locate the State lands, by the signs; you can't now, and they have all been run, more or less.

Q. And then, in addition to that, there ought to be a law passed fixing a penalty if anybody obliterates or removes any of those signs?

A. I think there is a law now, of \$25 fine; now, I know it is so in our case.

By Chairman WILDS:

Q. Well, what is done in the case of a trespass by the cutting or hauling of timber from any of the lands of W. W. Durant? A. Well, if they have been out there, we go on and first establish the line; then we count them up and see what has been cut, and make them pay for it.

Q. Full value? A. No, not always.

Q. Did you have many such cases? A. No, sir, we do not; don't have many.

Q. Well, you don't protect your lands with a shot gun, do you? A. No, sir; don't have to; we put up our signs and mark the lines plain, so that you won't get on there; and it ain't so public you know as if it was out in a settlement like; he owns these large bodies, and it is awful easy to take care of them; there ain't no man going right on there unless he thinks he has some right or owns the land adjoining; then he is apt to get over onto it; but where you own a township, it is a great deal easier to protect it than as if you only owned part of it; because some man owns the other part, and he will trespass on it.

Q. Did you precede Thomas Powers as forester? A. No, sir—oh, yes, I preceded him; that's right; I didn't succeed him.

By Mr TEN EYCK:

Q. Do you know of any case in which there has been a trespass committed on State land by the cutting of timber therefrom, in which knowledge of that fact was brought to the knowledge of Mr. Powers, and he failed or neglected to prosecute the trespass? A. I don't think that Mr. Powers prosecuted; I don't think he did; I think that it has been—

Q. Put it, report the case? A. He is a neighbor of mine, Powers is, and I know of cases that he has reported to the Forest Commission.

Q. Now, I will put the question in this way: It has not been the custom to prosecute, in a criminal way, any trespasses, has it?

A. No, sir.

Q. Now, have you known of a case of trespass in which the knowledge of that fact has been brought to Mr. Powers, and he failed or neglected to report the matter to the Forest Commission?

A. I do not; I know of some cases where he has reported them to the Forest Commission.

By Chairman WILDS:

Q. Have you cut or skidded or hauled timber at any time, or caused the same to be done? A. Lumbered?

Q. Yes? A. Yes, sir; I have lumbered; I ain't cut them, but I have caused them to be cut and skidded and drawed, and sold them.

Q. In any case other than those to which you have already referred in your testimony this day? A. No, sir; I never jobbed it any.

Recess for dinner.

AFTERNOON SESSION — 2:15 P. M.

HUGH LINDSEY, being duly sworn, testified as follows:

By Chairman WILDS:

Q. What is your full name, age and residence? A. Hugh Lindsey; Newcomb; 39 years old.

Q. What is your business? A. Carpenter, and lumberer sometimes.

Q. What is the nature of this lumbering work which you have done? A. What is the nature of it? I don't understand you.

Q. Well, have you been accustomed to cut and skid and haul timber? A. Why, yes.

Q. Is that the nature of your lumbering work? A. That is what I do when I take a job.

Q. Yes? A. Yes.

Q. And has all your lumbering work been done for others? A. Well, for others?

Q. Yes? A. No.

Q. Has it been done on your own account? A. All the lumbering that I done, of course if I took a job I done it myself.

Q. Well, have you cut, skidded, or hauled timber which you yourself have sold to the market? A. I haven't sold any timber, not within five or six years.

Q. You have sold no timber whatever, either standing or cut, within five or six years? A. I don't think I have.

Q. In what townships have you worked, lumbering? A. Well, how long ago back?

Q. Well, within the last five or six years? A. I don't know what townships; I might have crossed townships you know, and wouldn't know it; I live in the 27th township; it is in Newcomb.

By Mr. NILES:

Q. Have you knowingly cut any timber outside of the 27th township? A. I don't think I have; not knowing it.

By Chairman WILDS:

Q. Well, has all your lumbering been done within the 27th township; do you mean to be understood as stating that? A. No; I done some lumbering on "18"; that is where I took my jobs, on "18" township.

Q. Have you done any lumbering in any townships other than townships Nos. 27 and 18, Totten & Crossfield purchase? A. I don't know; I took some on "18," a lumbering job, and put it in.

Q. Well, I ask you if you have done any lumbering on any other township? A. I think I have on "31" and on "27".

Q. Do you mean lot "31" or township "31"? A. Lot "31" in the 27th township.

Q Well now, understand my question then ; I began by asking you in what townships you have done any lumbering jobs ? A. Well, I told you.

Q. You mention the 27th township ? A. Yes.

Q. What other township have you done any lumbering job in ? A. "Eighteen."

Q. Well, now, what other ? A. I haven't done—

Q. Have you done any lumbering job in any other township, other than "18" and "27" ? A. I might have, years ago along, but I don't remember it.

By Mr. NILES:

Q. Well, within five years ? A. No ; I have not.

Q. Well now, for whom was your lumbering job in township 18, and when was it ? A. Pat Moynehan.

Q. Will you answer the rest of the question I asked you ? When was it ? And I would like to have direct attention given to my questions. A. Well, I can give you as correct as I can give it ; it is, I think, about two years ago.

Q. In what part of the 18th township were you lumbering ? A. Well, sir, I could't tell you ; the north part, I think.

Q. Around Mount Joseph ? A. No ; do you know where the "Goodenough" is ? Just this side of the Goodenough, over towards Peaked hill.

By Chairman WILDS:

Q. Do you mean to say that, with all your lumbering transactions, you are unable to locate the place of your work two years ago in the 18th township.

Mr. NILES.— He says it is around Mount Goodenough.

Chairman WILDS.— That is too indefinite, altogether.

The WITNESS.— What do you want me to do, go down there and show you ?

By Chairman WILDS :

Q. Well, will you by reference to the map, then, tell me on what lots? A. I haven't any reference to any maps at all; you can use your own maps.

Q. Well, I call your attention to this map, and I tell you to look at this map and tell me on what lots you were at work? A. I have told all I know; I haven't any more to tell unless you ask me.

Q. Will you look at that map? A. No, sir.

Q. And tell me what the numbers of lots were on which you were at work? A. No, sir; I ain't drawing maps now.

Q. Do you know upon what lots you were at work? A. I don't know anything about it.

Q. How much timber did you take out on that job? A. Three or four thousand.

Q. Was it more than four thousand? A. No, sir.

Q. Who is the owner of the land on which you did that job? A. Well, I suppose Sherman was, where you are talking of now; he said he was.

Q. Which Sherman told you so? A. Well, his agent let me the job; that is Moynehan.

Q. Pat Moynehan? A. Yes, sir.

Q. And as I understand your statement, you say you were at work on the 18th township, in the northerly part, around Mount Good-enough? A. It is in the southwest part, I should think, from down the river; I might have made a mistake; the southwest part.

Q. Were you at work along the Hudson river? A. Yes, sir.

Q. And along Cedar river? A. No, sir.

Q. Well, the Hudson river does not touch the southwest part of the 18th township? A. Well, I don't care where it touches; the Hudson river goes anyway.

Q. Did any of your lumbering work in the 18th township touch the Cedar river? A. I suppose it went through there; if I put any into

the river, it probably went down through there; if a log is put into the river, of course it has got to go down that way; Cedar river goes into the North river; of course it must go down through there.

Q. Do you know what river went through the lots on which you were lumbering? A. North river.

Q. Was it the North or Hudson river, or Cedar river? A. North river; Hudson river; North river.

Q. Then it wasn't anywhere near Mount Goodenough? A. Well, it was above it.

Q. Was it? A. Well, just a little bit above it and between it—

Q. What was it, just a little bit above? A. Well, hell! do you want a fellow to go out here and walk off three or four rods; I don't know exactly; I can't tell; I might walk off—I might go down there and step off three or four rods, and I can't tell—

Q. You will be careful what language you use before this committee. A. Well, I am very careful.

Q. For whom did you do any lumbering on township "27?", A. Pat Moynehan.

Q. Who located the place of your work on township "27" for you? A. Moynehan.

Q. Will you tell me the circumstances, the time, what took place between you, and all about it? A. Well, it is so long ago I couldn't remember it all.

Q. When did that take place? A. Two or three years ago.

Q. Will you tell me what you remember in reference to the matter? A. Well, he told me—he come down there and let me a job there, down next to Goodenough, and I took it for so much.

Q. Will you give me the whole transaction; you know how much it was; tell me the circumstances? A. I took a job for 90 cents, and I took it for a dollar.

Q. Just state the facts—what you did with Pat Moynehan? A. I went on and put in these logs, just as we talked it.

Q. Do you propose giving any testimony in accordance with my question, or not? A. I haven't any testimony to give.

Q. I insist upon your answering my questions. A. Well, sir; I haven't any to give; we just passed them words, and he told me what he would give for that timber, and I told him.

Q. Whereabouts in township 27; did he take you and show you where to work? A. "Thirty-one."

Q. You mean on lot 31 of township 27? A. I think so.

Q. And what did you do on lot 31? A. I put in some logs.

Q. And how many logs? A. Well, sir, I haven't any bill of them? I couldn't tell.

By Mr. WAGSTAFF:

Q. What did he tell you, that it was lot 31 of township 27? A. "Thirty-one" or "41;" it was on a railroad lot.

By Mr. NILES:

Q. Was it on the Hudson river? A. Yes.

By Mr. ELDRIDGE:

Q. How far from the Hudson river? A. It runs right back, you know.

Q. Well, how far? A. It joins the Hudson river.

Q. The lot came down to the Hudson river? A. Yes.

Q. Lay right on the Hudson river? A. Yes; I think it is "41," aint it? I never looked at the map; don't 41 come down there to the Hudson river?

Mr. NILES.—Yes.

The WITNESS.—Well, that was the lot it was on.

By Mr. TEN EYCK:

Q. Were you north of the Hudson river? A. No, I was the other side.

By Chairman WILDS:

Q. East of it? A. Yes, I was north of it and east of it, too.

Q. And through how many lots did you lumber? A. Well, I was supposed to be on this one lot.

Q. Well, will you answer my question? A. Yes, sir.

Q. Through how many lots did you lumber? A. I don't know anything about any lots; there was no lines; we run this line up—I was on this “41;” I supposed I was.

By Mr. TEN EYCK:

Q. You don't know just exactly where you were, do you? A. No, sir.

By Chairman WILDS:

Q. Did anyone go with you besides Pat Moynehan? A. He come up and showed me; Moynehan come in and told me he owned the timber on that lot and I went up there and put it in.

By Mr. WAGSTAFF:

Q. Did he tell you where you were to cut? A. I was to cut right there, yes.

By Chairman WILDS:

Q. And did you begin at the Hudson river? A. No, sir.

Q. Where did you begin? A. Well, now, I couldn't exactly—I don't know where I began.

Q. How many markets did you put in for Pat Moynehan under the contract to which you refer? A. I couldn't tell you that, either.

Q. What's that? A. I couldn't tell you that, either.

Q. Don't you know? A. No, sir.

By Mr. WAGSTAFF:

Q. Why don't you know? A. Well, because I have never got no bill of them.

Q. How were you paid? A. Well, I never settled up with him.

Q. Have you been paid at all? A. No, sir.

Q. Nothing at all for that job? A. Of course, he gave me what money I asked for, but I never settled with him.

By Chairman WILDS:

Q. Well, how much money have you been paid? A. Well, I couldn't tell you that, either.

Q. Well, haven't you any idea how much you have been paid; have you been paid \$5,000? A. No, sir.

Q. How much have you been paid? A. I don't know; all I asked for.

Q. You were directed to bring with you your books, paper and memoranda? A. I haven't any books.

Q. Whereby you might refresh your memory? A. I haven't any books; only men's time.

By Mr. WAGSTAFF:

Q. How long were you at that job there for Moynehan? A. Well, I was there probably a couple of months.

Q. And how many men did you have with you? A. Oh, from 10 to 12; 15 sometimes.

Q. All the time? A. Sometimes I would, and sometimes less.

By Mr. NILES:

Q. How many acres did you cut over? A. I don't know.

By Mr. WAGSTAFF:

Q. Did you cut half a mile up the stream? A. Probably half a mile.

Q. Do you suppose you cut half a mile square in there? A. It might, maybe measure half a mile.

Q. Was it any more than that, do you think? A. Well, I couldn't say; of course I can't measure in the woods.

Q. I am not asking you for the exact distance at all? A. Of course I wouldn't know, for you can't tell—you walk off here a distance and you can't tell.

Q. But you think it is something about that? A. Oh, probably

Q. How many markets do you think you got out of there? A. On
“31?”

Q. Either "31" or "41;" I don't know which it is. A. It is "31" I guess.

Chairman WILDS.—He said "41;" he said it was on the Hudson river; he corrected the "31" to "41."

By Mr. WAGSTAFF:

Q. Which is it, do you remember now, "31" or "41?" A. Well now of course—well, we will call it "31."

Q. Do you know whether you cut on "41" at all? A. I don't know as I did.

Q. Well, now, how many markets do you suppose you got out of there? A. Well, I can't tell.

Q. You must know somewhere near it? A. Oh, probably got a couple of thousand, probably.

By Chairman WILDS:

Q. Didn't you cut more than twice that? A. Not that year.

By Mr. WAGSTAFF:

Q. Well, in those two months?

Chairman WILDS.—Not two months; he worked more than two months there.

Mr. WAGSTAFF.—He says he only worked two months.

By Mr. NILES:

Q. You cut some the next year, didn't you? A. Yes, sir.

By Chairman WILDS:

Q. Well, will you tell me what work you did on any of the lots? A. Well, I can't tell you any more than I know; and I ain't going to tell you only what I do know.

Q. You can tell what you do know? A. If you ask me civil and I understand it, I will tell you, and I won't tell no more.

By Mr. WAGSTAFF:

Q. How many years did you cut on that lot? A. I don't know.

Q. Yes, you do, too? A. Well, if you know more than I do, why do you ask me?

Q. You know how many years you cut on that lot, or on 31, 41, or both; did you cut more than one season? A. Yes, sir; two seasons.

Q. The following year you cut again? A. Yes, sir.

Q. How long did you cut the following year? A. I don't know.

Q. Yes, you do, too; how long was it you cut there, the second season? A. I don't know.

Q. Yes you do? A. Well, it's all right then.

Q. Come out with it now; how long was it? A. I don't know.

Q. Why are you refusing to give us any testimony regarding this? A. I have given you everything; we went along all right as long as you asked me fair questions.

Q. Isn't that a fair question that I am asking you now? A. Well, now I don't be puzzled.

Q. I am not trying to puzzle you? A. I don't propose — I haven't any books; I kept my men's time and I burned it up when I paid them, and it is all gone, and I don't know.

Q. Did you work the whole season the second year? A. I worked as long as I had any business there to do.

Q. Was it the whole season? A. Well, it was if I wanted to work there.

Q. How many markets did you cut out there the second time? A. I don't know; I never have got any bill of them.

Q. How long ago was this? A. It was years ago.

Q. And you haven't been paid yet? A. No.

Mr. NILES.— He has not been settled with, he says.

The WITNESS: — No, I haven't been settled with, no.

By Chairman WILDS:

Q. Didn't you cut over at least a thousand acres in that neighborhood? A. Who?

(Stenographer reads question.)

A. No, sir.

Q. Didn't you cut over lots "32," "41," "42," "52," "53," "62," "63" and "64" of township 27, Totten & Crossfield purchase. A. I don't know anything about it.

Q. Didn't you also cut over lots "2" and "3" of the 26th township, Totten & Crossfield purchase? A. I don't know anything about it.

Q. How much timber did you cut from any of the lots in the southwest quarter of the 27th township? A. Oh, I just exactly don't know; we have had I think four or five thousand on "18."

Q. I am asking you about the 27th township entirely? A. Well, I didn't know as I cut any on the 27th township.

By Mr. WAGSTAFF:

Q. You have just been testifying to the fact, that you cut in the 27th township? A. I was up there, yes, on "31;" I have never got any bill of that.

By Chairman WILDS:

Q. Well, who measured the logs which were cut by you in the southwest quarter of the 27th township? A. Well, sir, I couldn't tell; somebody below there come up and measured them.

Q. Do you propose giving a proper answer to that question or not? A. I don't know their name.

Q. Where does he come from? A. From Fort Edward, or down Glens Falls, somewhere.

Q. In whose employ was he? A. I think he was in — I don't know whether it was Sherman's or — two or three of them there, I don't know; they send up different measure men every year; I can't keep track of it.

By Mr. NILES:

Q. And did you cut anywhere else in the 27th township, either for Moynehan or anyone else? A. I don't think I did.

Q. Did you cut any on your own account? A. No.

Q. Do you own any lots there on the township? A. Me? Number "27?"

Q. Yes? A. Well, I am just living on a place down there that is in 27th township.

Q. Did you take a job to cut any other timber except this, from Moynehan? A. No.

By Chairman WILDS:

Q. At any time, this is, at any time?

By Mr. NILES:

Q. Well, within the last five years; did you take any jobs from anybody else to cut timber on the 27th township, within the past five years? A. No, sir.

Q. Have you worked for anybody cutting timber there? A. No, sir.

Q. This is the only job, this one job that you are telling about now, that you have done there, within the 27th township? A. I have done those two jobs.

Q. This one and the one up by Mount Goodenough? A. There is two jobs; one a year ago, last winter, and the other one is three years ago.

Q. These are the only two jobs that you have done there in that township? A. We had three; then there is another job, four or five years ago, that was taken on the 18th township.

By Chairman WILDS:

Q. We are talking about the 27th township? A. Of course; I am going to tell you.

By Mr. WAGSTAFF:

Q. Just tell us what job you did? A. Well, that is all I done.

Q. These two jobs? A. Three jobs; well, in six years.

By Mr. NILES:

Q. Have you hauled any logs for anyone else during that time? A. No; hauled up some wood.

Q. Have you worked on any lumber jobs except these? A. Yes, sir.

Q. What other jobs have you worked on? A. I have worked up here last winter.

Q. Whom for? A. Gallagher.

Q. Do you know where that was? A. Well, I don't know, it was up at Owl Head pond.

Q. What Gallagher is that? Does he live here? A. Jim Gallagher.

Q. Of Long Lake? A. Yes, sir.

Q. What did you do there? A. Drawed logs.

Q. Do you know what tract those logs came from, what lots? A. No, sir.

Q. Were they on the lake? A. No, they wasn't on the lake, but we put them on the lake.

Q. What amount did you draw there? A. Oh, I don't know.

By Mr. WAGSTAFF:

Q. How far did you draw them? A. I don't know.

By Mr. ELDRIDGE:

Q. You worked by the day? A. Yes; of course, I couldn't state what amount was drawn.

Q. How far did you draw them?

By Mr. NILES:

Q. Did you draw them to Clear pond, or down here? A. If you walk up that road you will find out; maybe three or four miles.

Q. Did you put them into Clear pond or Long lake? A. The head of Long lake.

Q. How long were you working there? A. You have got me now; I guess thirty or forty days, somewhere along there; of course I wouldn't be exact.

By Chairman WILDS:

Q. For whom was Gallagher working? Did he have a job from anyone? A. I don't know anything about Gallagher or who he was working for; I don't know as I have got to tell the whole country over here; what have I got to do with Gallagher?

Q. Didn't you say you were at work— A. I don't know who he is working for; he took a job from Moynehan, I believe

Q. Isn't it as easy for you to answer the question at first as at last? (No answer.)

By Mr. NILES:

Q. Have you done any work except that? A. Yes; went down to Big Brook and drew some last spring again.

Q. Whom was that for? A. Berkeley, I guess.

Q. Were you working by the day there? A. Yes, sir.

Q. Where is that, the upper end of the lake? A. Down below here somewhere.

Q. How long were you working there? A. I think they worked 16 days down there; I don't know exactly.

Q. Who was that you were working for, there at Big Brook? A. Well, I sent my teams down there; I wasn't working for anybody; Berkeley, they said they were working for.

Q. Do you know where he comes from? A. Well, I exactly don't know; he comes from Racquette pond, down there at Potsdam; I don't know where in hell he comes from; that is right down below here eight or nine miles, down below here.

Q. By Camp Island? A. I guess so; I don't know; it is below Robinson's house; they have been lumbering down here last winter; it is three or four miles down below there somewhere.

Q. Do you know what lots those logs came from? A. Of course I don't know; my teams only went there; I wasn't there.

Q. Didn't you go down there at all? A. Yes, went down once; I don't know the lots.

Q. Well, have you done any other work except that? A. Yes, sir; I have been to home.

Q. I mean any lumbering; have you taken any contract for any logging job this fall? A. No, sir.

By Chairman WILDS:

Q. Do you know how many acres, or about how many acres there are in a lot in the 27th township? A. No, sir.

Q. Do you own any land yourself? A. No, sir; not that I have got any title of.

Q. Was the job which you had at lumbering in the southwest quarter of the 27th township done along the stream which is the outlet of Moose pond? A. I don't know whether it was the outlet of Moose pond.

Q. What is the name of the stream along which you lumbered? A. When?

Q. At any time during the last five years, in the southwest quarter of the 27th township? A. North river.

By Mr. NILES:

Q. Weren't you putting any logs into any side stream there? A. No, sir.

By Mr. WAGSTAFF:

Q. How far did you haul your logs there to get them into the Hudson? A. Oh, two or three miles; a couple of miles; I couldn't tell exact, you know; of course, a fellow couldn't tell by going over it.

By Mr. TEN EYCK:

Q. Were some of them right on the river? A. Yes, there were some of them on the 18th township there.

GEORGE MINER, being duly sworn, testified as follows:

By Chairman WILDS:

Q. What is your full name, age and residence? A. My age is 61 last May; my name is George Miner—G-e-o-r-g-e M-i-n-e-r.

Q. Where do you live? A. Live there in Newcomb; 27th township I live in.

Q. What is your business? A. Well, sir, I farm it, and all kinds of work, pretty much anything that comes handy; I am a laboring man.

Q. Haven't you done any lumbering? A. Not within late years.

Q. What was the last lumbering job you had? A. I lumbered down there for Mr. Moynchan, back of my place, a part of it.

Q. On what lot? A. Well, sir, it was a lot that they called lot 7, back of my place.

Q. Of what survey? A. I guess it is Thorne's survey.

By Mr. NILES:

Q. Richards' survey? A. Yes, I don't know but it is Richards' survey; that's right; part on one side of the river and part on the other side; the river comes in between it and divides it; the river comes right through, about the center of it.

By Chairman WILDS:

Q. Are those the lots, "6" and "7?" A. Yes, I guess they are; the river runs right through it; that is it.

Q. "Six" and "7" of Richards' survey, in the southwest corner of the northeast quarter of township 27 of Totten & Crossfield purchase? A. Yes.

By Mr. TEN EYCK:

Q. Do you know whether it is Richards' survey or what it is? A. I couldn't say, no; it is in township 27.

Q. Could you tell by looking at the map? A. No, sir, I couldn't, for I couldn't tell the figures.

By Mr. WAGSTAFF:

Q. Does the river run through both lots that you lumbered over? A. Yes, sir; I only lumbered one end of the lots.

By Mr. TEN EYCK:

Q. Then you don't know whether it is "6" and "7," or some other number? A. Well, that is what they called it since I have been there; of course I couldn't swear any further than that; that is what they always called it.

Q. Who owns the lot on which you live? A. The one I live on I own myself.

Q. What is that number; is that "6?" A. No, that is a small lot; lot 9; that is another tier of lots.

By Mr. NILES:

Q. That is Thorne's survey? A. Thorne's survey, yes.

Q. Where you lumbered over is north of your lot? A. Northwest, back of my place.

Q. Did you go there on that place with Mr. Lynch, and show him the lots where you had lumbered? A. No, sir.

Q. Didn't you go on those lots with Mr. Daniel Lynch, and show him where you had lumbered? A. Not on 7; no, sir.

Q. Did you go on 6? A. No, sir; I did not.

By Chairman WILDS:

Q. Do you know Daniel Lynch? A. Yes, sir; I have seen him a good many times.

Q. The job to which you refer was in what year? A. It was three years ago.

Q. Eighteen hundred and ninety-one or 1892? A. Three years ago—1892, I guess it was; three years ago, anyway; three years ago this last winter.

Q. And did you cut the timber? A. I did.

Q. And skidded it and hauled it? A. Yes, sir.

Q. Did you have men in your employ, assisting you? A. Yes, I had boys and men; of course I couldn't do it alone very well.

Q. How many men did you have? A. Sometimes I had five or six; sometimes I had eight—just as the work happened to turn out.

Q. Of whom did you take this job? A. I took it of Mr. Moynehan.

Q. Patrick Moynehan? A. Yes, sir.

Q. And on lot 6? A. That I took of big Charlie Bissell; and the way I came to take it of him—there was a lot on the river he wanted I should lumber, and I told him I wouldn't touch it till he run the line out; Moynehan says, "whatever agreement you can make with big Charlie Bissell," he says, "I will stand by;" so we went down there and run the lines out, big Charlie Bissell and I and my youngest son; so he and I made a trade on both lots.

Q. Which lot did you run out and have surveyed? A. Down the river—150-acre lot that they had down there.

Q. Do you know what the number of it was? A. No, I couldn't tell you now. Mr. Lynch knows where it is.

Q. Was big Charlie Bissell at work for Pat Moynehan? A. I couldn't tell you; that is the words Mr. Moynehan told me; he said, "go down there with him, and he will run the lots out, and whatever trade you may make with him will be all right."

Q. What did Bissell have to do with lot 6, in the southwest corner of the northeast quarter of the 27th township? A. I couldn't tell you that.

Q. But that was the lot on which you were lumbering? A. Yes, sir.

Q. Do I understand you correctly as saying— A. "Seven" I lumbered one year and "6" the next year; the first lot I took I want it to be understood of Mr. Moynehan, "7;" and the other I took the next season, of Mr. Bissell; and as I said before, we went down and surveyed both lots, and then he gave me both lots, you understand, to put in.

Q. Which? Both lots? A. The lot that was surveyed and this lot "6" the second year.

Q. But you don't know the location or the number of the lot you surveyed? A. No, sir; Mr. Lynch was down there; I went down and

showed him where the line was ; I couldn't tell you the numbers, or anything about it.

Q. Did Bissell have anything to do with your lumbering on lot 7?

A. No, sir ; not that I know of.

Q. Of the Richards' survey, in the 27th township? A. No; not as I know of.

Q. Did Moynehan have anything to do with your lumbering on lot 6, of Richards' survey, 27th township? A. As far as that is concerned I couldn't say that he had or had not; I got my pay out of the company up there; I had to go to the store and get my pay, and I couldn't tell you whether it was out of the company or Moynehan.

Q. Well, whose store do you refer to? A. Moynehan & Anderson; of course I couldn't say who was the head man of it at all.

Q. Did you cut over the whole of lot 7? A. No, sir; only one part of it, on the east side of the river; that is all I cut.

Q. That is the south part of the lot, the east side of the river? A. Yes, sir; the south part of the lot.

Q. And how much timber did you take from that lot? A. Well now, somewhere between one thousand one hundred and one thousand two hundred markets.

Q. And you cut over the whole of the south part? A. I calculated to; yes, sir.

Q. And was this timber all soft timber? A. Yes, sir.

Q. Spruce, hemlock, pine? A. No, there wasn't any pine; spruce and hemlock.

Q. Of what growth of timber? A. Second growth; the spruce was second growth, because I helped cut the same lot over, years before, when another firm seemed to own it, for old Charley Farr.

Q. This was in the year, you think, 1892? A. Yes; 1893 that I cut this lot 7 — no, 1892, you are right; 1892 on "7," yes; and the other lot was 1893.

Q. And where was that timber delivered? A. On the north side of the river, below Long Falls.

Q. What mark was put on that timber? A. Well, I couldn't tell you for that; I couldn't swear what mark was on it.

Q. Who measured that timber? A. Well, sir, I think it was — well, there is two parties come there and measured — I can't think of their names; there is two parties come there and measured at that time; both jobs, in fact.

Q. Can't you think of their names? A. Well, I will tell you, one of them was Crandall; I think he measured part of them; and another man is — oh, his father is up here on Indian river somewhere, Indian lake; big fellow; I can't think of his name.

Q. In whose employ were they? A. Well, I couldn't say that either; I guess, though, this second fellow who was there, his father is in the employ of the Finches.

By Mr. ELDRIDGE:

Q. McGinn? A. McGinn? No, McGowan.

Q. Jimmie? A. I guess so.

By Chairman WILDS:

Q. How many pieces, all together, did you take from that lot? A. Well, now, I couldn't tell you that either.

Q. How many trees did you cut? A. I couldn't tell you that, because it is of course second cut timber, you know; that is, the spruce was second cut, and the hemlock was, I guess, about 190 markets, somewhere along there, of the hemlock; and the rest of it was second growth spruce, you know, and I couldn't say now how much they took.

Q. How were you paid on that job? A. Well, I took it as I wanted it; I went to the store if I wanted anything; he was to give me 85 cents a market for the logs, and when I wanted anything I went to the store and got it.

Q. You were to have 85 cents a market for cutting, skidding and hauling the logs to the river? A. Yes, sir, that is what I was to have.

Q. And you have been fully paid? A. Well, I suppose so.

Q. Did you know that you were taking that timber from State lands? A. No, sir, I did not.

Q. When did you first hear of that fact? A. Well, I didn't hear of it till after it was done with; in the first place I commenced in the spring and put on 900 pieces, and I had been lumbering to Newcomb lake, up in that country, and they stopped me; then they came on in June again and told me to put on the rest of the logs off from that lot.

Q. Who stopped you lumbering on lot 7? A. The company; the man I took the job of in the first place.

Q. Who was that? A. Moynehan.

Q. Well, is it Pat Moynehan or Dennis Moynehan? A. No, it is Pat; I never took any job of Dennis that I know of.

Q. And what did he say to you? A. Oh nothing; only he said there was a complaint went in, and he said it was all right, only he wouldn't cut any more till he see me again.

Q. Is that all that you can recall that he told you? A. That is all I can remember now.

Q. To whom did he say complaint had been made? A. Well, he didn't say.

Q. What did you understand him to mean? A. I understood him to mean that somebody else claimed the lot.

Q. That the State claimed the lot? A. I didn't know whether it was the State, or somebody else, that had claimed the lot; in the first place, Almor Farr redeemed the lot at a sale, and then Pat Moynehan bought this claim of Almon Farr, and give him the deed of part of the lot on the other side of the river that Almon Farr occupies now.

Q. On the north side of lot 7? A. Yes, sir; that is the way I understood it; bought it for taxes, at a sale, whatever it was, him and

Chase; then they sold this part back to Moynehan, some way; mixed it up among themselves, and I supposed it was Moynehan's; of course, I wouldn't have lumbered it if I didn't suppose it was his.

Q. You took, altogether, about 1,500 markets from the south part of lot 7, as I understand? A. The first was 900 pieces, about 180 markets, as near as I could get at it, the first 900 pieces I put on.

Q. What? A. About 180 markets; the first 900 pieces I put on, in the first place, and then after that there was about 1,200 markets after that; between 11 and 12, somewhere on that side of the lot, on that side of the river.

Q. Did you do any lumbering on the north half of that lot? A. No, sir, I did not; I didn't cut across the river at all.

Q. Well now, coming to your lumbering job on lot 6, in the southwest corner of Richard's survey of township 27; your lumbering there was done in the year 1893, as I understand? A. I believe so, yes.

Q. And on both sides of the river? A. No, sir; just one side.

Q. Which side? A. On the southeast side.

Q. And how much timber did you take from that lot? A. Oh, not quite three hundred markets; I believed it lacked a few markets of it.

Q. And what was done with that timber? A. That went on to the river.

Q. Was any mark put on them? A. I suppose there was; they were measured and I drew them to the river.

Q. Who measured them? A. I don't know; I wasn't at home when they were measured; he had measured them and gone when I got home.

Q. Did you cut over the whole of the south part of lot 6? A. I thought I had; maybe I didn't; I calculated to.

Q. Did you go onto any of the neighboring lots? A. Not as I know of.

By Mr. NILES:

Q. Were the lines run for you on that lot 6? A. No, sir; they were not run there.

Q. Did you find the lines? A. It was lumbered on each side of the lot you know; all cut off, everything; and a fellow couldn't help but find it; it went to the Ord line, you know.

Q. It was all cut up to the line? A. Yes; there wasn't but a little chunk of it on that side of the river, anyway.

Q. Well, when and for whom did you, previous to 1892, do any lumbering? A. Well, that was for Mr. Moynehan, down the river.

Q. Didn't you also do some lumbering for John Griffin? A. No; that was done in the year 1893, at the same time—I cut and piled some logs there for John Griffin, the same year that I cleared off “7;” after I got done piling, I went down and cut and piled some for them.

Q. And where was that done? A. Right down the river; right adjoining where I lumbered in 1892, on Mr. Moynehan's tract, I suppose, said to be anyway.

Q. Have you ever heard that that lumbering job was done on lot 36 of township 27, in Thorne's survey? A. Well, I couldn't say; I wouldn't be positive whether it had or not; I wouldn't say as I had, and I wouldn't say that I had not, because it is something that I didn't dream of except anything was all right.

Q. But you know now that it was done for John Griffin, on State land? A. No, part of that lot I done for Griffin; Mr. Thompson claimed the lot and Mr. Houghton lumbered the lot before, and he left one corner, and I went to finish it for Griffin; it was on—I supposed it was on—the Thompson territory, where I cut those logs for Griffin.

Q. How much timber did you cut for Griffin? A. Three or four hundred markets; I couldn't say now exactly.

Q. Now, Griffin is understood to have taken 1,600 market logs. A. Well, he done some lumbering somewhere else probably; it is something I don't know anything about.

Q. No; he is understood to have taken 1,600 market logs from lot 36 of township 27, Thorne's survey? A. It is something I don't know anything about, then; I took part of this lot where Houghton

lumbered some of it, and it had to go another way, and I went and cut and piled for them after I got my own piled; that is all I know about it.

Q. Who paid you for that lumbering job on lot 6 of Richard's survey, township 27? A. Well, I suppose it come from Mr. Moynehan; I got it out of the store, as I said before, the way I did the rest of it; all at one place.

Q. That was the job you took from Charles Bissell? A. Yes, sir, lot 6 and the other lot.

Q. Pat Moynehan paid you on both jobs? A. I suppose it was Pat's; I got it out of that company's store; I couldn't say it was Pat.

Q. Who paid you for your work on lot 36, the work you did for Griffin? A. The same place; I went to the store and got my pay, the same as the rest of it; I couldn't tell you whose pocket it came out of, or anything about it; if I wanted anything I went to the store and got it, and it was charged to me, and when I settled I went and settled up with the clerks; that is all I know about it; I couldn't tell you whether it belonged to one man or another man, as far as that is concerned.

Q. Well, have you done any other lumbering; what did you do last year? A. I worked around home; drewed freight some of the time, and some of the time I was to work around home.

Q. Don't you remember having done some lumbering last year on lots 48 and 49 of Thorne's survey, township 27? A. No, sir; I wasn't lumbering at all for anybody last year; didn't cut a log for nobody or skid a log for nobody last year.

Q. Tom Powers says that you trespassed in 1894 upon lots 48 and 49 of Thorne's survey, township 27, Totten & Crossfield purchase? A. Well, I don't know where it is; I didn't put a log in last winter; I will swear to that.

Q. Did you at any time trespass upon these lots? A. Not as I know of, no, sir.

Q. He may have been mistaken in the year? A. I don't remember of trespassing on anybody's lots; I have lived there sixteen years, where I am now.

Q. Well, have you done any other lumbering? A. No, sir; what little I have done I have done for the company that lumbered up there two years and one year to Newcomb lake; that is all the lumbering I have done for anybody; I don't know what Mr. Powers had to do with it; maybe he knows; I don't know anything about it.

Q. Do you know Thomas Powers? A. I have seen him; I know him as I have seen him; I never had no business with him or nothing of that kind.

Q. Did he ever notify you, in any of your lumbering transactions, that you were at work on State lands? A. No, sir.

Q. Did you ever know of any complaint being made against you? A. No, sir.

Q. Did you ever buy timber standing on any lands? A. No, sir; I did not.

Q. Or sell timber standing on any lands? A. No, sir; I did not.

Q. You showed the place to Daniel Lynch where you did the job for John Griffin? A. Yes, sir; I went right through it and showed where Mr. Bissell ran this other lot out; showed him the corner.

Q. And did Pat Moynehan want you to cut the timber for him on the lot adjoining the one where you had worked for Griffin? A. Well, I supposed so; he told me to go down and run those lots out, run the line out, and whatever bargain I could make with Mr. Bissell he would stand to it.

Q. And over how many lots did you do any lumbering then, under that arrangement? A. One lot I guess; I guess I didn't cut only one lot.

Q. And was that on the east or west of the lot where you had worked for Griffin? A. Well, I think it was on the west side of it; southwest, I think it was.

Q. Then it was on lot 35 of Thorne's survey, township 27? A. I couldn't say what the number of the lot was, or anything about it.

Q. Did you require the lines to be run? A. I did.

Q. Why? A. Well, sir, I can tell you just my reasons; when I first commenced lot 7, as I said before, they stopped me, and then they cut me down from what they agreed to give me; they agreed to give me 80 cents, and they cut me down to, I think it was, 65; and I told them I wouldn't never lumber another lot for nobody, unless I would have it run out and know where it was.

Q. Well, when you were at work on "36" and "35," as you state, didn't you know you were then at work on State lands? A. I did not, sir.

Q. You worked there in the year 1891 and 1892, as I understand? A. Eighteen hundred and ninety-three and 1892; but I worked on that lot for Griffin at the same time I put in "7," 1893; and then 1892 on the other.

Q. Well, he sent Charles Bissell, Jr., to run the lines? A. Yes, sir; at least he come there to my house, after his telling me.

Q. And Pat Moynehan told you that he would stand by any bargain that Bissell made with you? A. Yes, sir.

Q. For cutting, skidding and hauling the timber from lot 35? A. I couldn't say what the number of the lot was, as I said before, but that lot that we surveyed, anyhow.

Q. Did he limit you to one lot? A. Yes; there was one right side of it, but part of it was burned timber; and he told me when I got through to get up all the scattering timber there was on it, and I done so.

Q. You cut on that lot for Moynehan? A. I supposed it was for Moynehan.

Q. How many market logs? A. I think, in all, there was 300 markets on 6; I think the whole thing was nineteen hundred and forty markets, somewhere along there.

Q. That is, there were— A. That is on 6 and the lot we run out.

Q. Thirty-five? A. Yes.

Q. That is, as I understand, there were 1,640 market logs cut from lot 35 of Thorne's survey, township 27, and 300 market logs from lot 6 of Richards' survey, 27th township? A. Yes.

Q. How many pieces to a market? A. Well, I couldn't say; it was all second cut timber; it had all been lumbered over before.

Q. About three pieces to a market? A. Yes, most four, three and a half and four; of course I couldn't say now, exactly.

Q. Didn't Pat Moynehan, when he stopped you from cutting further on lot 7 of Richards' survey, 27th township, say to you that that was State land? A. Not that I remember.

Q. Well, in the affidavit which you made on the 12th of December, 1894, you — A. He might have said so.

Q. You have so stated? A. Well, of course it has run from my mind; I ain't kept no track of it; I wouldn't say that he hadn't.

Q. In what part of the year was it when he stopped your work on that lot? A. Well, that was along the last of March or first of April; I had been lumbering up to Newcomb lake.

Q. In what year was that? A. That was four years ago last winter.

Q. That was in 1891? A. Four years ago last winter, yes.

Q. Well, in the month of June of that same year, 1891, did Moynehan set you to work again on that same lot, "7?" A. He did.

Q. What did he say to you? A. He told me to go on, the lots was all right now, he had it all straight.

Q. Did he say that he had bought the timber on the lot? A. He said he owned it; he told me to go on, it was all right, he had it all straightened up.

Q. Are those all the lumbering jobs that you have had? A. Yes, sir.

Q. For anyone? A. Yes, sir.

ALMON O. FARR, being duly sworn, testified as follows :

By Chairman WILDS :

Q. What is your full name, age, residence and occupation ? A. Almon O. Farr ; my age is 49 ; my occupation is a farmer, principally ; my residence is Newcomb.

Q. Have you ever done any lumbering ? A. No, sir, only by the month, worked for other men.

Q. Are you familiar with the location and bounds of State lands ? A. Well, some of them

Q. In what townships are you especially familiar ? A. Township 27.

Q. And you know of a considerable part of township 27, Totten & Crossfield purchase, being State lands ? A. I know some ; yes, sir.

Q. Have you knowledge or information of any trespasses on any of those State lands ? A. Well, sir, I was over them last fall with a surveyor.

Q. On what lots ? A. On " 56," " 54," and likewise " 41 ;" I think it is " 41."

Q. All in Thorne's survey of township 27 ? A. Yes.

Q. And what did you find there ? A. Well, sir, we found timber cut.

Q. Over the whole of those lots ? A. Well, I should say so ; yes, sir ; we didn't go all over them, but went over some part of them.

Q. And those are State lots ? A. Supposed to be.

Q. How recent a cutting appeared to have been done there ? A. Well, one of them was about three years, and the other two was about one.

Q. Will you separate them so that I may understand the age or time when the cutting was done on each lot ? A. Well, lot " 41," it was 1892, I think ; I am pretty sure the other two was the winter of 1894 — 1893 I would say, in 1893.

Q. Do you know by whom the timber was cut on those lots ? A. Mr. Hugh Lindsey, as I understand it.

Q. From whom have you your information to that effect? A. From himself.

Q. Did he also tell you of his having lumbered on lots "32," "42," "52," "53," "62," "63" and "64" of township 27? A. No, sir.

Q. All in Thorne's survey? A. No, sir.

Q. Did he admit to you his having lumbered on any other lots? A. No, sir.

Q. Than the three you have referred to? A. That's all.

Q. Did he admit to you having lumbered on any lots in township 26? A. He did not.

Q. Have you knowledge or information from any source — A. I have not, sir.

Q. As to Hugh Lindsey having lumbered on the lots to which I have called your attention? A. I have not, sir.

Q. Have you knowledge or information of anyone — A. No, sir.

Q. Having lumbered on those lots? A. I have not, sir.

Q. Do you know of anyone having lumbered on lots 2 and 3 of township 26, Totten & Crossfield purchase? A. No, sir, I do not.

Q. There along the northerly line of that township, adjoining the southerly line of township 27? A. I don't know anything about that.

Q. Did you count the stumps on lot 41 of Thorne's survey, township 27? A. Well, sir, I went there for that purpose, and the snow was so deep I couldn't, and it was storming, and the brush was loaded so with snow, and there had been a fire there, that I couldn't do anything only make a kind of estimate.

Q. Do you know of Hugh Lindsey having been engaged in cutting, skidding and hauling timber during each of several years since 1890? A. Yes, sir.

Q. In the southwest quarter of township 27? A. Yes, sir.

Q. You know of his having been engaged during how many years in that quarter? A. Well sir, it is three, I think.

Q. Do you know who worked for him on his jobs? A. I do not.

Q. How did he come to admit to you his lumbering on the three lots, to which you have particularly referred? A. Well, he wanted I should go and work for him in the wood.

Q. And did he tell you that he was at work on those lots? A. Yes, sir.

Q. Well, did he try to get you to work for him at different times? A. No, only once; he never has asked me but once.

Q. And why did you refuse to work for him? A. Well, I had work to do for myself.

Q. Did you refuse because you knew that those were State lots? A. I did not; I did not know it at that time.

Q. Upon what lot is George Miner's place? A. His lot is "9," I think.

Q. Lot "9" of Thorne's survey? A. Yes, sir.

Q. Township 27? A. Township 27.

Q. Do you know of Hugh Lindsey having been lumbering southeasterly from George Miner's place, along both sides of the old road made to draw supplies into the lumber woods? A. I do not; not for a piece, anyway; not till you strike these other lots; it is nearly three miles from Miner's place to these lots.

Q. Do you know for whom Hugh Lindsey did that work? A. I understand Patrick Moynehan.

Q. Do you know of Hugh Lindsey having been engaged on any lumbering job around a lot of shanties built by Charles Howard Bissell, on the old lumber road to which I have referred to? A. Yes, sir.

Q. And along said road, on both sides, southeasterly, to the stream known as Wolff's creek? A. Yes, sir.

Q. And also on the southerly side of said creek? A. I know it has been lumbered there; I don't know whether Lindsey lumbered it or not.

Q. Through what lots does Wolff creek run? A. Well sir, I couldn't tell you exactly; I never paid any attention to them; I never

expected to be called up for anything to pay any attention to them for; I know it dodges in and on quite a number of different lots, but I couldn't give you their numbers.

Q. Do you know whether the shanties to which I have called your attention are still standing? A. I know it is burned down.

Q. When were they burned? A. A year ago this last spring.

Q. How far from George Miner's place was this lumbering by Hugh Lindsey to which you have last referred? A. About three miles and a half; that is, by the road that they go on; in fact, some of it is farther; some of it is further than that.

Q. Do you know of the land where Hugh Lindsey's job to which I have last called your attention was done being State land? A. I did not then; no, sir.

Q. Do you now? A. I do now, according to the map.

Q. By reference to the map, upon what lots do you state that Hugh Lindsey lumbered? (Shows witness map). A. I have got a little better map, that Mr. Lynch and Mr. Bouton made me last fall, of some of this territory.

By Mr. TEN EYCK:

Q. Which map are you referring to now, in giving your testimony?

A. To the original map, only I was looking on this to see my lots, where they lay.

Q. Why couldn't you refer to the original map without referring to the other one? A. I could, I suppose, after looking it over.

Stenographer reads question, as follows:

Q. By reference to the map, upon what lots do you state that Hugh Lindsey lumbered? A. "Fifty-four," "55" and "56;" I learned some of these lines; I was on the railroad survey, and that is the way I learned some of these lines.

Q. How did you locate those lots on that map, the lots you were on, from the map just now? A. Running from the township line.

Q. How? A. Why, by counting the number of lots.

Q. Can you tell every lot that you pass over, when you are on one lot and on another lot? A. Well, not exactly, but I can get some idea.

Q. Well, how can you locate them now; that is what I am getting at? A. I know them by the number.

Q. You know each lot by the number of the lot, but how could you tell those were the lots that they cut on? A. Well, because I had been on them with a surveyor, and he run the lines.

Q. What surveyor? A. Daniel Lynch.

Q. And then you are taking his statement and not your own? A. Well, of course, I ain't a surveyor that chained it.

Q. Are you testifying now as to the number of those lots from your memory, from what he told you? A. Yes, sir; and from the distance of chaining.

Q. Well, you didn't chain on the map, did you? A. No, I didn't chain on the map, of course not.

Q. Then you couldn't locate from the map itself? A. No, sir.

By Chairman WILDS:

Q. Do you know the location of lot 27 in Thorne's survey, in township 27? A. I do not.

Q. Will you look at the map of the Adirondack forests and refer to lot 27 of Thorne's survey, in township 27? Have you knowledge or information of any trespass by any person on that lot? A. I have not, sir.

Q. Well, by an affidavit which you are understood to have made in October, 1894, you state that you know the location of lot 27, to which I have referred you, and that you know that in the fall and winter of 1890 and 1891 Joseph Houghton, Jr., cut the timber on that lot, and that you worked for him on the job? A. I don't remember of making any such affidavit; I made an affidavit to lot 41, and to those other lots in this body.

Q. Did you ever work for Joseph Houghton, Jr.? A. Yes, sir, I did.

Q. On what lot? A. I supposed I was on lot 26 and on lot 10, up to lot 14, those small lots, from 10 to 14, Mr. Houghton, his father, bought, and he took the job from his father of putting them in, and we worked on that and on another lot back of them.

Q. Twenty-seven? A. I don't know exactly whether it was 27 or 26.

Q. It was one or the other? A. It was one or the other of those two lots.

Q. How many market logs were cut on that job? A. Well, sir, I don't know as I ever heard, but I should say on one job there on these small lots off from the small tier me and my brother chopped them by the hundred; I forget just exactly the number, but it is something over four thousand that we cut off from the tier of small lots.

Q. Four thousand? A. Yes, four thousand and a little over, but just the number I wouldn't specify, but it was over four thousand.

Q. And from the large lot? A. On these two large lots.

Q. Twenty-six and 27? A. Yes; I don't know how much there was cut on them exactly, but I should say somewheres in the neighborhood of about 2,000 markets.

Q. In the affidavit which you made, you state there were taken from lot 27, 2,500 market logs? A. Well, if I have, I say so now.

Q. And your estimate then was that it would take three pieces for a market log, on an average? A. Yes, it takes three for one; that I remember about its taking three logs for one.

Q. Well, have you knowledge or information of any other trespass on State lands? A. I have not, sir.

Q. Was any interference with the work of cutting or hauling timber from those lots made by any one? A. Not that I know of.

Q. When did you first learn that those lots were State lands? A. About one year ago, through the assessors.

By Mr. TEN EYCK:

Q. Did I understand you to say, that you were a surveyor? A. No, sir; I am not.

Q. But have had frequent work with surveyors? A. Yes, sir.

Q. And how many times have you helped survey lot 27? A. I never have helped survey "27."

Q. Or any lots in that vicinity? A. Only once.

Q. Well, have you been with surveyors down into "27?" A. No, sir.

Q. How many times? A. I went through there with a surveyor, but we did no surveying on "27."

Q. Into "27?" A. Into it?

Q. Yes? A. No, sir.

Q. Did not; did you ever help a surveyor down into "27?" A. No, sir.

Q. Now are you well acquainted with the lines of the lots in township "27," Thorne's survey? A. Not personally, no, sir.

Q. Do you know the lines of the lots upon which Hugh Lindsey cut? A. I should know if I went to them and found them, yes.

Q. Would you know the numbers of them? A. I think I should.

Q. By going there, without a map? A. Yes, sir.

Q. You are so well acquainted that you could go in there, without a map, and locate the lots, give the numbers of them? A. I could give the numbers of them; I might not exactly give the correct location of them; I don't know as I could.

Q. Why is it a few moments ago you couldn't locate the numbers on the map without reference to the piece of paper you held in your hand? A. Well, I was looking on it because I have got accustomed to this piece, and I wasn't to the map.

Q. Where did you get that piece of paper? A. I got it from Mr. Daniel Lynch.

Q. And you have been studying that since that day? A. Yes, sir, and looking it over.

Q. And that is the only way in which you could locate the lots and the numbers? A. Yes, sir; and by the surveyors.

Q. From what they told you? A. Yes, sir; what they told me.

By Mr. NILES:

Q. You had no reason to believe that they lied to you about it? A. I had no reason to believe they lied to me.

By Mr. TEN Eyck:

Q. And what do you mean by saying you could go down there, then, and locate the lots, would be from what they told you when you and they were in there together? A. Yes, sir.

Q. What did you mean when you stated in the affidavit made on the 30th day of October, 1894: "I have frequently helped surveyors to run lines into '27,' Totten & Crossfield purchase;" what did you mean by that? A. Well, I went there to help run lines.

Q. And frequently? A. Frequently, yes, sir.

Q. Didn't you a few moments ago testify that you never helped a surveyor run a line into "27?" A. What, into "27?"

Q. Yes. A. Into lot "27," yes, sir, I did.

Q. And is that true? A. That is true; I supposed you were talking about township "27;" I mean in township "27."

Q. How many times have you been in with surveyors in township "27?" A. Well, sir, some six or seven times.

Q. On different lots every time? A. Yes, sir, on different lots.

Q. You know the location of lot 27? A. I know pretty near it, yes; near enough so that I could go around the lot, I guess, if it was called for.

Q. Now you could go in there and pick out lot 32, 42, 41, in township 27, couldn't you? A. "Thirty-two?"

Q. Yes, "42" and "41," couldn't you? A. I can pick out "41;" I wouldn't say as I could, without a map, "31" or "32," but "41," I can pick it out.

Q. Go right in there and run around the lines, without a surveyor? A. No, I couldn't without a surveyor, because it is burned.

Q. And you are acquainted with all the lots in township 27? A. No, sir, not all of them.

Q. Well, a great majority of them? A. Well, quite a number; I wouldn't state how many.

Q. Well, state them? A. I say I wouldn't state exactly how many.

Q. What did you mean by saying that "I am quite well acquainted with the location of lots in township 27?" A. Well, I mean that I am acquainted with some of the lots.

Q. With some of them? A. Yes, sir.

Q. Now what some; what ones? A. Well, quite a number of different ones.

Q. Well, what are they; name them? A. Well, I am acquainted on this tier of small lots from the Hyslop patent and through to the corner of the Ord patent.

Q. What are they, all small lots? A. "One," "2," "3," "4," "5," "6," "7," "8," "9," "10," "11," up to "15."

Q. These are all small lots? A. Yes, sir.

Q. Now what other lots are you acquainted with? A. "Six," lot "7."

Q. Any others? A. "Eight."

Q. What other one? A. I am acquainted with lot "5;" that is not a State lot now.

Q. Never mind what they are? A. Well, lot "18," "19," lot "20."

By Chairman WILDS:

Q. Those last are in Richards' survey? A. Yes, sir.

By Mr. TEN Eyck:

Q. The other is Thorne's survey, isn't it? A. Yes, Thorne's survey is the southeasterly part, isn't it, from the tier of small lots?

By Chairman WILDS:

Q. Southwesterly? A. Well, southwesterly part, then; as I understand it is from the tier of small lots through, is Thorne's survey, south of that, and the other part is Richards', as I understand.

Q. The northeast quarter is Richards' survey? A. I mean that.

By Mr. TEN EYCK:

Q. Now as I understand it, you can swear positively that Hugh Lindsey cut on "32," "42" and "41," of your own knowledge; you know that? A. I know it of my own knowledge, "41."

Q. Well, you do on "32" and "42," don't you of your own knowledge? A. Well, I didn't exactly see him.

Q. Well, you know those are the lots, so that you can swear that it is "32," "42" and "41" that he cut on? A. Yes, sir, I think I could.

Q. You think you could; don't you know? A. Why, I know as far as I can learn from the map, according to my knowledge.

Q. What? A. To my best ability.

Q. To your best ability? A. Yes, sir.

Q. And that is as strong as you can put it? A. That is as strong as I can put it.

Q. And your best ability, what is that obtained from? A. Well, I suppose that is knowledge.

Q. From what somebody else told you? A. And what somebody else has told me, yes, sir, by surveyors.

Q. And that is what you meant when you say "I also know that Hugh Lindsey has, within the last two years, cut the timber on lots "32," "42," and the State part of lot "41," and other lots in the southerly part of Township "27?" A. Yes, sir.

Q. And that information in that affidavit was only obtained from what somebody else told you? A. That is all.

Q. And yet you swore to it as a positive fact? A. I swore to it to the best of my ability.

Q. You swore to it as a positive fact? A. As a positive fact according to the map; that is the way the question was put to me; I think Mr. Boughton will say so too.

Q. It don't indicate it in this affidavit, that is all? A. Well, it may not, but the question was put to me, to the best of my knowledge and ability, and I said so, the best I knew.

By Chairman WILDS :

Q. Have you any knowledge or information of any other trespass on State lands than those to which you have referred? A. No, sir; I think not, only those two that the other man has given you, from that Mr. Miner has testified to, lot "7" and "6," that is all; I live on lot "7" myself; I have occupied lot "7" nearly twenty-five years; that is, had a clearing on it, and I have lived on it personally sixteen years this fall.

Q. Paid the taxes? A. I have paid the taxes of the tax sale of 1885.

Q. Do you claim that lot? A. I claim it as far as anything — as nobody has told me to get away from it.

By Mr. TEN EYCK :

Q. What do you mean by saying that is a State lot? A. I claim the right of possession of it.

Q. What do you mean by saying it is a State lot? A. Because I understand the State has got a claim against it since that.

Q. And while you have been living on it? A. Yes; the State notified me of the tax sale of 1885, and notified me if the taxes wasn't paid within such a time the State would become the sole occupant of the lot; I got a man to send the money for me and redeemed it.

Q. And they have never notified you of another sale since then? A. No, sir; our certificate of redemption is filed in the county clerk's office.

Q. Of the whole of lot 7? A. Of the whole of lot 7.

Q. Of Richards' survey, township 27? A. Yes, sir.

Q. Now, sir, is lot 6 claimed in the same way, by somebody? A. No; I claim no interest, and nobody does, I think, on lot 6, unless Patrick Moynehan does, and I don't think he does.

By Chairman WILDS :

Q. When was that redemption made? A. It was made in 1888, I think.

Q. Did you know of George Miner's cutting timber from the south half of lot 7, Richards' survey, township 27? A. Yes, sir.

Q. Did he cut that timber by your permission? A. No, sir; not by my permission.

Q. Well, did you allow him to go on? A. I sold my right and title and then bought back the northwest part.

By Mr. TEN EYCK:

Q. Whom did you sell to? A. Patrick Moynehan.

By Chairman WILDS:

Q. When did you sell to Pat Moynehan? A. In the winter of 1890, I think.

By Mr. TEN EYCK:

Q. And then Miner was working for him? A. He was lumbering for John Anderson, in the first place; then he got his job done that he took of them, and then Pat sent him down in there; I sold this lot, I forget exactly, somewhere along there, in December—sold my right and title.

Q. To Pat Moynehan? A. Yes, sir.

Q. Do you know of lot 6, of Richards' survey, township 27? A. I do, sir.

Q. Being State lands? A. I do now, I had not before, till within a couple of years.

Q. Well, who owned it before that? A. Well, I understood that there was a man by the name of—well, I will tell you in a minute—Brown.

By Mr. TEN EYCK:

Q. Did he live on it? A. No, sir; it never had been occupied only as it has been lumbered, and there has been some fire-wood cut off from it, but there has been no fire-wood cut within the last five or six years.

Q. Till within the last few years, you heard that a man by the name of Brown owned it? A. Yes, sir, Brown or—

Committee adjourned, subject to call of the Chairman.

UNITED STATES HOTEL,
SARATOGA, N. Y., *September 16, 1894.* }

PATRICK MOYNEHAN, being duly sworn, testified as follows:

Examined by Chairman WILDS:

Q. I understand that J. J. and Fred Wakeley have been employed by you as jobbers in the cutting, skidding and hauling of timber in the Adirondacks, is that so? A. Yes, sir.

Q. Where were they so employed? A. Township 32, Hamilton county; not by me personally, by me and others, Morgan Lumber Company and George F. Underwood, Fort Edward; we own a tract of about fourteen thousand acres, and they are the contractors.

By Mr. TEN Eyck:

Q. That is, Wakeley was employed by you three? A. Yes, sir, three of us; it is a tract about fourteen thousand acres, the three of us own it mutually together; they have been employed for the last three or four years, I think.

By Chairman WILDS:

Q. In what part of township 32, Totten & Crossfield purchase, are those 14,000 acres located? A. In the white portion of it; I should judge—it was nearly the whole of the north half; well, I don't know just exactly; it is about three quarters of the township, except the State owns an undivided interest in the—well, I don't know what quarter it is.

Q. Southeast quarter? A. Yes, and then there is the Gospel and School, which is claimed now by the State, of 1,280 acres; we own the balance of the township, except, I guess, one or two lots.

Q. And when were they employed as jobbers upon that township?

A. Well, I couldn't say; I think they have been operating there three years, and are still operating there; I think this is the fourth year, although I would not be positive to that.

Q. And have cut, skidded and delivered about 70,000 markets of timber, have they? A. I couldn't say as to the amount; no, sir, I couldn't say as to the amount; I wouldn't say just how many, perhaps, I think they got in somewheres between twenty-five thousand and twenty-eight thousand last year; I couldn't say as to the amount for I have no record of the amount; they have been operating there, I think, for three years past and are still operating there this year.

Q. If Mr. Wakeley should state that they had cut, skidded and delivered from township 32 between sixty thousand and seventy thousand markets of timber, would you accept that statement as a fact? A. Well, if he made it, he perhaps knew; I do not; I wouldn't accept anything only what I know of my own knowledge.

Q. Have you brought any of your books with you? A. Yes, sir; nothing that would refer to that; I don't think you would find anything that would refer to that on my book; those books are kept at Glens Falls, in the Morgan Lumber Company's office; I look after Mr. Wakeley; I dictate how much money he shall have, but I don't know as I could tell you how many logs he got in.

By Mr. TEN EYCK:

Q. As I understand it, he is working for yourself and the Morgan Lumber Company? A. And George F. Underwood.

Q. And George F. Underwood; and the books, and the accounts of the transactions between you and others and Wakeley are kept by the Morgan Lumber Company? A. Yes.

Q. And the books are in their possession, those books? A. Except so far as Mr. Wakeley's trade with me is concerned; Mr. Wakeley trades with me at my store at North creek, and he gives me notes, and at the end of two or three months or such a time—

Q. That has nothing to do with the partnership transaction of the lumber? A. Not any.

By Mr. WAGSTAFF:

What is your interest in the matter? A. An undivided one-third interest in it.

Q. But regarding Mr. Wakeley's job? A. I own an undivided one-third interest.

Q. Didn't you employ him or let him the job? A. With others.

Q. Were you the man that acted for the others? A. No, sir; we all acted together.

Q. And what knowledge have you of the job, of how much he is cutting, any? A. All the knowledge I have got is that he is supposed to put in 30,000 standards this year; we got together at the office at the starting in—.

By Mr. TEN EYCK:

Q. At whose office? A. Morgan Lumber Company's office, and we have an agreement with this man that he should put in so many logs this year.

By Mr. WAGSTAFF:

Q. How many this year? A. About thirty thousand standards.

Q. And how many last year? A. I think he put in somewheres between twenty and thirty thousand.

Q. How much the year before? A. I couldn't say.

Q. Hasn't that transaction been settled between you? A. Yes, sir.

Q. Then you know how many logs he put in? A. No, sir; I do not; I have different jobs, and I couldn't say how many logs that each one of them put in, because it is a large transaction, and I cannot carry those things on my mind.

Q. You mean that you cannot remember how many logs were put in the year before? A. No, sir; in fact I couldn't tell you how many logs had been cut off from the township.

Q. You and the others are personally interested in the profits of these logs? A. Yes, sir; we own it.

Q. And therefore it is to your interest to look out and see how many logs he cuts and delivers? A. Yes, sir.

By Chairman WILDS:

Q. Have you employed any one other than J. J. and Fred. Wakeley as jobber for the cutting, skidding or hauling of timber from township 32? A. Yes, sir.

Q. Whom have you so employed? A. T. D. Depan.

Q. And was he employed jointly with the Wakeleys? A. No, sir.

Q. And what was your contract with him? A. My impression was that he was to get a dollar a standard; that is the best of my recollection.

By Mr. WAGSTAFF:

Q. Why is it only an impression; you must know? A. Well, a man having several different jobs and several different contracts from year to year, I couldn't remember to a cent.

Q. Is the contract in writing? A. No, sir.

Q. Then who does know? A. This contract with Wakeley is in writing; he gets \$1.05 for putting those logs on the water.

Q. Now is the contract with Depan in writing? No, sir.

Q. What evidence have you, yourself, of the price which you are to pay for these logs? A. Nothing more than what I can remember.

Q. What do you remember now? A. My impression is that it was a dollar.

Q. Do you think that you can settle your contract with Depan with only an impression of the price? A. I think that was three or four years ago.

Q. Have you settled with him? A. Yes, I think he has got his pay, I don't know; he may claim a balance; I don't know whether he has been paid in full or not.

By Mr. TEN EYCK:

Q. Who usually did the settling in those transactions? A. I did; now, in regard to several of those settlements, I don't make them in fact; Mr. Wakeley goes down to the Morgan Lumber Company and settles, perhaps on my order that the logs are in, or something like that; they have the logs and, of course, they pay.

Q. Do they have a memorandum on their books of what the contract was? A. I think so.

By Mr. WAGSTAFF:

Q. You are personally interested in all these logs; you must have a better knowledge of them than that? A. Mr. Wagstaff, I am sorry to say that I have not.

Q. You seem to be the man who managed these transactions? A. I manage it so far as I am able to, I am sorry to say that I haven't managed my business better.

Q. Now do you think if you went down to the Morgan Lumber Company in this transaction that you would not have anything only an impression as to the price and the number of logs? A. Without referring to their books and contracts I would; I do not think that if you would meet Mr. McKekron down there to-day, and he owning a third interest, he wouldn't know; he is the general manager of the lumber portion of the Morgan Lumber Company.

Q. How do you settle up yourself as to your interests in these transactions? A. Sometimes we do not settle for a number of years.

Q. Who do you rely upon to make an honest settlement? A. The people that we are dealing with; we are all supposed to be honest.

Q. And you trust one another entirely? A. Yes, sir.

Q. Without any written contracts at all? A. Generally, yes.

Q. And when you come to settle, is your memory pretty good? A. I don't know as it is in all things.

Q. Who does have knowledge of these transactions? A. Well, if one fellow don't remember, generally the other one does.

Q. And you always come to an amicable settlement? A. Generally; I never had a suit in my life; I never had a lawsuit.

By Chairman WILDS:

Q. Have you employed any one else on township 32? A. I don't think I have; no, sir.

Q. Are you sure of it? A. I might have engaged Locke to run those logs from where Depan — to put them through the dam, or something like that; I do not think I had any arrangements with anybody else.

Q. Do I understand your answer to be that you may have engaged Hosea G. Locke — A. I might have engaged him.

Q. To have hauled out the timber? A. No; I don't think I did.

Q. To do what? A. To haul those logs from where I landed them through the dam; as I understand it, Depan sublet this contract to Hosea G. Locke.

By Mr. WAGSTAFF:

Q. Isn't it a fact that he did sublet this contract to Locke? A. I think he did.

Q. Don't you know he did? A. I cannot swear to what he done.

Q. Don't you know it was a fact? A. No, sir; I don't know it was a fact; I cannot swear to what you may do; I was going to say that I think — my impression is that he did.

Q. Did Depan ever tell you that he employed Locke? A. I think he did; yes, sir.

Q. Don't you know that he did? A. Well, I was instructed to pay him money.

Q. Pay who money? A. Pay Locke money for Depan; but I do not know what arrangements he had with him.

By Mr. TEN Eyck:

Q. And from that you came to the conclusion that he had sub-let the contract to Locke? A. Yes, sir.

By Chairman WILDS:

Q. On what part of township 32, Totten & Crossfield purchase, was the cutting, skidding or hauling of timber by T. D. Depan done? A. I think it was on what is now known as the Gospel and School; I think the State claims to own it now; I don't hardly think they owned it at that time, still they might have, but they didn't own the timber as I understand it.

Q. When was your transaction with Depan with reference to that timber? A. Well, my impression was it was in 1892 or 1893, I think it was in 1892, still it might have been in 1893, I couldn't say.

Q. What rights, if any, did you claim to have in the timber of the Gospel and School tract of township 32, Totten and Crossfield purchase, when you made your contract with T. D. Depan in reference to the same? A. I bought the timber of A. C. Hall in, I think, 1890, in 1890 or the early part of 1891, A. C. Hall, of Albany.

Q. What did you pay him for that timber? A. I think it was twenty-five cents a standard.

Q. Have you settled with A. C. Hall for that timber? A. Well, I cannot say as to that; I have had a running account with him for perhaps fifteen years; we were jointly interested in timber lands and other things, and the store business together, and we had never settled.

Q. What right did A. C. Hall have to that timber? A. He bought it of T. C. Durant, formerly of the Adirondack Railroad Company, deceased, I think.

Q. When do you understand or claim to have purchased the timber on that tract, or the land known as the Gospel and School tract of township 32 from T. C. Durant? A. I couldn't say as to that.

Q. Did you ever examine the title? A. No, I cannot say that I did; I am sorry to say that I do not examine any title unless I am in some big deal when I am selling, then some other fellow picks it up and examines it; we buy a great deal of land up there on quit claim deeds.

Q. What writing, if any, was executed by A. C. Hall in reference to the land, or timber upon the land of the Gospel and School tract of

township 32, Totten and Crossfield purchase, at the time of your transaction? A. I don't think there was any.

Q. You had no deed of the land? A. No, sir, I do not think I have.

Q. Do you claim to have bought the land or the timber upon the land? A. I claim to have bought the timber.

Q. And there was no deed executed? A. I do not think there was, no, sir.

Q. No written assignment or anything—no writing of any kind? A. I do not think there was.

Q. Did you pay any money at the time of the transaction? A. Well, I do not think I did, but I bought it just the same as me and A. C. Hall bought township 18; we own a third interest and haven't a scrap of writing for it—paid \$15,000 on it, but haven't anything to show for it, township 18, Totten & Crossfield purchase township 28; we bought 5,000 acres in the town of Newcomb, bought 5,000 there and we never had any writings about that.

By Mr. WAGSTAFF:

Q. Has the State made any claim for the timber that you cut from township 32, Gospel and School tract? A. No, sir; they have not; I do not think the State claimed it at that time.

Q. When do you understand that the State claimed ownership of that lot? A. I understand they do now; they also claim possession and ownership of several lots that they do not own the timber on, that is colored red on that map; Hall and me own the timber on several lots in township 22 that is colored red on there (indicating).

Q. How did the State acquire title to those lands that you own the timber on? A. They simply got it in exchange, as I understand it; as I understand it, they exchanged lands with the Everton Lumber Co., and they were supposed to get two acres for one; that is the way I understand it; they were not supposed to give away any timber land; their land was all supposed to be lumbered over.

Q. And at the time the State got this land from the Everton Lumber Company you held the timber rights on those lands? A. Yes, sir; nobody has ever claimed them.

By Chairman WILDS:

Q. You didn't mention the Everton Lumber Company as a source of title of A. C. Hall? A. No.

Q. You say that he obtained his title from T. C. Durant? A. That is the way I understand it.

Q. Well, what had the Overton Lumber Company to do with that?

A. Well, afterwards, the way I understand that deal was that the Adirondack Railroad Company, after Mr. Durant died, Mr. Durant, his son, W. W.—A. C. Hall was agent for that company at that time; was for several years; they sold all the lands that they had to the Adirondack Timber and Mineral Company, and these people, the Overton people, bought certain portions of this land and exchanged with the State for other lands; you will see marked on the State book "exchanged;" and those lands, most of them, are subject to timber contracts.

By Mr. TEN EYCK:

Q. And they sold the title to the land, subject to the timber contract? A. Yes, sir.

Q. And did A. C. Hall have title to the land or just the timber contract? A. Timber, as I understand.

Q. Only the timber on the land? A. That is all; yes, sir.

By Chairman WILDS:

Q. Who owned the land at the time that A. C. Hall had his transactions with you in reference to that Gospel and School tract? A. I couldn't say whether Mr. Durant owned it or the Adirondack Timber and Mineral Company.

By Mr. WAGSTAFF:

Q. Is A. C. Hall interested in the Overton Lumber Company? A. I don't know; I couldn't say as to that.

Q. You do not know whether he is director in that company or not? A. I do not. I bought the timber on the Gospel and School on 17, at the same time, let it to Depan at the same time I got this other contract; bought it at the same time and let the contract to Depan at the same time.

By Chairman WILDS:

Q. Do I understand that you bought or claimed to have bought the timber rights on the Gospel and School tract of Township 17, Totten & Crossfield purchase, from A. C. Hall? A. Yes, sir, at the same time.

Q. At the same time that you claimed to have bought the timber rights on the Gospel and School lot of Township 32, Totten & Crossfield purchase? A. Yes, sir.

Q. And do you claim that A. C. Hall acquired his title to the timber in those two tracts from T. C. Durant? A. Well, that is the way I understand it; that is the way I understood him to say when he sold it to me; I know he removed the balance of the timber off from those two tracts.

By Mr. WAGSTAFF:

Q. Who did? A. Mr. Hall some eight or ten years before, I don't know but twelve years before.

By Chairman WILDS:

Q. But had never touched the timber on the Gospel and School lot? A. Yes, he has been lumbering on them for the last 12 years; I think it was somewhere between 1882 and 1885 that he took off the balance of the timber; I only took off very little timber from 17; there wasn't but very little there.

By Mr. TEN EYCK:

Q. When did you take your timber off from 17? A. The same winter that I took it off from 32.

By Mr. WAGSTAFF:

Q. And you have exhausted your contract as I understand on both those lots? A. Yes, sir, I haven't lumbered any on either but one winter.

By Mr. TEN EYCK:

Q. On which? A. On either one of the tracts.

Q. And that was in 1892 or 1893? A. I think it was; that is the way I understand it.

Q. Is there any more timber left on the Gospel and School lots in township 32? A. I do not think there is very much, that is, soft timber; there is a growth of hard wood and small spruce.

By Chairman WILDS:

Q. There are 1,200 acres, as I understand, in each of these Gospel and School lots? A. I think that Gospel and School and Literature, I think there is about 1,230, 640 acres of Gospel and School and 640 acres of Literature.

By Mr. TEN EYCK:

Q. In which township is that? A. Wherever there is one of those pieces; I do not think that the State owns it now; to tell the truth about the matter, I do not think the State has ever had any business to patent those.

By Chairman WILDS:

Q. When you made your contract with A. C. Hall, did you go upon those lots and examine the timber? A. No, sir, I did not.

Q. Did you thereafter? A. No, sir, I did not think it was ever on—I possibly might have been on the tract, but if I was I didn't know it.

Q. Did you not locate the tract for the work of your timber jobber?

A. No, sir, I did not.

Q. Who located it for your timber jobber? A. I couldn't tell you, sir.

Q. What direction did you give him? A. Not any, sir, that I know of.

Q. How? A. I don't know as I gave him any; I let him the contract of getting in the timber, the balance of the timber, what was left on the Gospel and School; I don't know where he located.

Q. You told him to go upon the Gospel and School lots of township 32 and 17? A. I don't know whether I told him or not; I let him the job; I couldn't say that I told him.

Q. And there are 1,200 acres in each of those lots? A. Well, that is the supposition, that there be 1,280.

Q. And under your directions Depan cut the timber from the whole of each of those lots? A. No, sir, he did not.

Q. How much timber was taken by him from the Gospel and School lot of township 32? A. Well, I couldn't say exactly; it strikes me it was something less than three thousand standards, three thousand markets.

By Mr. TEN EYCK:

Q. From both? A. No, from one tract; that is to the best of my knowledge.

By Chairman WILDS:

Q. About how many acres were cut over by him on that contract?

A. Well, I should think about—possibly one hundred and fifty, perhaps.

Q. We are informed that about eight hundred acres were cut over by him? A. Well, he couldn't have went over that in one year, he would have to have two years to go over 800 acres; he only operated for me one year.

Q. Would you doubt that statement? A. Yes, I would very much.

Q. How many men did he have there employed? A. I couldn't say.

Q. His being able to complete the whole job on 800 acres would depend upon the number of men employed, would it not? A. It would depend upon the number of logs that were on the 800 acres, and the number of men employed.

Q. The number of men employed? A. No, not the number of men employed; the number of logs on the tract.

Q. Was it spruce timber that was taken from that tract? A. I think it was, sir.

By Mr. WAGSTAFF:

Q. Of what growth? A. Well, I couldn't say; I presume some first, and perhaps some second; I don't know; I presume that had been lumbered over once before; I don't know.

By Chairman WILDS:

Q. Now, how much timber was taken from the Gospel and School lot of township 17 by Depan under your directions? A. I think not far from fifteen hundred standards.

Q. And about how many acres were cut over on that tract? A. Well, there ought to be somewhere less than a hundred acres; we calculate anywhere from 15 to 18 standards to the acre, 15 to 20.

Q. We are informed that not less than 200 acres were cut over on the Gospel and School lot of township 17; would you doubt that statement? A. Yes, I would; a portion of those logs were cut on Mr. Sherman, which Mr. Depan had to settle for.

By Mr. TEN Eyck:

Q. That is a portion of the logs that you got from Depan? A. Yes, he cut over the line on Sherman.

Q. On township 17? A. Township 17, yes, sir.

By Chairman WILDS:

Q. Now, on this township 32, Gospel and School lot, Depan sublet his contract as I understand? A. I think that is so.

Q. To Hosea G. Locke? A. I think he did; that is my impression.

Q. Did he to any one else? A. I couldn't say.

Q. And the work of cutting the timber from township 32, Gospel and School lot, was then done by Hosea G. Locke and men in his employ; is that the fact? A. Well, I don't know; that is the way I understand it; I never was on the ground; I don't know who cut the timber.

Q. Did you ever pay Hosea G. Locke for the work done by him? A. I think I left some money there; I had instructions to leave money for him at Indian lake, and I think I left it; whether I made checks direct to him or left in cash direct for him, I couldn't state.

Q. Now, on township 17, Gospel and School lot, the contract which you made with Depan for the cutting, skidding and hauling of the timber was sublet by him to Joel Brooks, as I understand, was it not? A. Well, I don't know; I think it was; still, I couldn't say; I heard it, but I have no means of knowing.

Q. Did you ever settle with Joel Brooks? A. No, sir, I did not.

Q. With whom did you settle for that timber? A. Well, all the settlement I ever had, I think I had with Depan.

Q. Who located the place where the timber was to be cut on township 17? A. I couldn't tell you, sir.

Q. Did you? A. No, sir.

Q. Do you know whether William Paine was also employed on that job? A. I heard he was up in there, but I don't know where he was, and I have no means of knowing.

Q. Were these contracts which you made with Depan for the cutting of timber from the Gospel and School lots of townships 17 and 32 made with him on your own behalf, individually, or jointly with

others? A. I think they were with myself individually; I don't think there was any other mentioned.

Q. No one else had any interest in the matter? A. I don't think so; I don't remember of anybody.

Q. When did you first ascertain that the State claimed to own the timber upon those lots? A. Well, I think about a year ago; perhaps a year and half ago; that they claimed the timber?

Q. Yes? A. I didn't never understand that they claimed the timber; I don't understand so now.

Q. What was done with the timber taken from those lots? A. I couldn't say; I presume I sold it to some lumber concern; I wouldn't say which or who.

Q. That is just what I want to know; to whom was that lumber sold? A. I think I sold, I wouldn't be positive, but my impression is that I sold the timber to Thomson, Douglas & Box.

Q. Of what place? A. Of Thomson's Mill; that is the best of my recollection.

Q. Where is that? A. That is over here in Washington county; and I think they had some timber belonging to Mr. Sherman; I don't just exactly remember how the thing was settled.

Q. Do you remember any one else to whom you sold any part of the timber from those two Gospel and School lots? A. I do not remember anybody else.

Q. How much did you receive for that timber? A. Well, I couldn't say as to that; it was somewheres between one dollar and thirty cents and one dollar and thirty-five cents after they were delivered in North river.

Q. And the timber was all delivered in 1893? A. I don't know; no, I do not think I delivered it that year; I think we had bad luck that spring, and I think they went over one year.

Q. Not till 1894? A. I had to drive those logs down to the mouth of the Indian river.

Q. From both tracts? A. No; they wasn't all landed at one place; some of them was landed at Indian lake and some on Cedar river; it cost about five cents a standard to deliver them out.

Q. Did J. J. and Fred Wakely, or either of them, have anything to do with the cutting, skidding and hauling of timber from either of those Gospel and School lots? A. Not that I know of; I do not think they did.

Q. They were not employed by you upon those lots? A. No, sir.

Q. Have you employed any one else with reference to the timber upon either of those Gospel and School lots? A. No, sir; I have not.

Q. Are those lots entirely cleaned off of their timber? A. I don't know as to that; I think that I lumbered off the corner—I was to lumber off the corner that had not been lumbered; I do not think that the other portion of them had been touched; I don't know how much is on them; I couldn't say as to that; I have not been on them for years; I think I was on them ten or twelve years ago when Mr. Hall first operated on them; I think it was about twelve years ago.

Q. Where else, or upon what other job or jobs have you employed J. J. and Fred Wakely, or either of them? A. I haven't had Fred Wakely lumbering anywhere else; John J. Wakely lumbered for me on township 11, lot 33, 35, I think, and 36, which I have since sold to the State; I sold 33, 35, 36 and 250 acres in the northerly part of 37 to the State; you will see on that map there one half lot; but the State went on them, thought that I was trespassing, and they sent on their man, and they found that I hadn't cut only half of the lot; and then I went back and cut the other half.

Q. Which other half? A. Thirty-six and 37 are full lots; they are on the map 150-acre lots; and the Comptroller first refused the deed, and I gave him proof they was full lots; so then they afterwards paid me the full amount.

Q. Did you personally locate the place or places, the lots, upon which John J. Wakely cut timber for you in township 11? A. I

think I went in there with him, and I think I also went in there with him and Richards, the surveyor.

By Mr. TEN EYCK :

Q. Before you go on to township 11, I would like to ask a question or two in reference to 17 and 32; is 3,000 markets all that Depan cut off from 32 and reported to you, and demanded payment for? A. I do not think he cut 3,000; my impression is about 2,700.

Q. And that is all that he made a demand on you for payment for? A. Yes, sir, that is all that I know anything about.

Q. And on township 17, Gospel and School lots was 1,500 markets all that he — A. Well, I wouldn't say as to the exact amount.

Q. About? A. I think it was not far from that.

Q. And that was all that he made a demand of payment from you for? A. I think it was.

Q. And all that he told you that he had cut? A. I think it was; I don't think there was 3,000 markets.

Q. On 32? A. On 32; I think there was 2,700.

Q. Now the Gospel and School lots in township 17 and 32 are well-known lots, are they not? A. Yes, they are, or I presume they are.

Q. As I understand it, you told Depan that you owned the timber on the Gospel and School lots, and that you would give him the contract to lumber what he could for a year from those lots? A. I think that I told him that I had purchased the timber from Hall, and asked him what he would put them in for, and I think he said he would put them in for a dollar; that is the best of my recollection.

Q. And you told him to go and cut timber off from the Gospel and School lots because you owned the same? A. What little was left on there; the Gospel and School lots Hall took off, I think, between 15,000 and 20,000 standards.

Q. Well, is it customary to tell jobbers to go and cut off from certain lots, where they are well known like that, without going and showing them where they are? A. Well, we let Wakeley this con-

tract up on township 32; I never have been on it to see where it was cut.

Q. The lumber jobbers know the lots as well as the owners? A. Supposed to; yes, sir.

By Chairman WILDS:

Q. Who measured the timber cut from the Gospel and School lots of townships 11 and 32? A. I couldn't say; I presume Mr. Thomson's agent.

Q. Is that Lemon Thomson? A. Thomson, Douglas & Box.

Q. Is Lemon Thomson the head of that firm? A. I couldn't tell you; I always settled with Mr. Box; I think on the billheads it says "Lemon Thomson and Edward Box."

Q. Can not you recall who measured the timber? A. No, I do not think I know who the man was.

Q. Is it customary for the measurer of timber to certify the same in writing to the seller as well as to the purchaser? A. No, sir; I don't think I ever saw a certified bill; I don't think I ever did in all the logs that I sold; I saw Mr. Thomson's man coming up on the train the other day; he measured logs for me last year, and I didn't know the man; I never see the man; I never go on the jobs; it is all I can do to furnish the money to pay; I have darned hard work to do that; I have to borrow on my notes and everything else.

By Mr. WAGSTAFF:

Q. Do you ordinarily make a profit from your transactions? A. Sometimes I lose and sometimes I make; I make more from selling lakes than I do my timber transaction.

By Chairman WILDS:

Q. Had the lots 33, 35, 36 and 37 ever been lumbered over before your transaction with John J. Wakeley in reference thereto? A. I think a portion of them have; yes, sir.

Q. How much of them? A. I could not say; perhaps half.

Q. Do you know how much timber he took off from those lots? A. I couldn't say, no, sir.

Q. What were the terms of your contract with Wakeley? A. I think he got eighty cents for a portion of them, and I think he got a dollar for a portion of them, and ninety cents.

Q. How was it that your contract was variable as to compensation? A. Well, there was a mountain on there; and he wouldn't go up on the mountain without I paid him a dollar, and I wanted the timber so I paid the price.

Q. Did you contract to pay him so much a market for all the timber which he cut and delivered? A. I agreed to pay him so much for cutting off from those lots.

Q. So much a market? A. So much a market, yes.

Q. Do you know of his having trespassed upon lots 15, 16, 17, 32 and 34 of township 11? A. No, sir, I did not until I was informed at the Forest Commission office that Wakeley trespassed; and I asked them how much it was; and they told me; and I paid it.

Q. With whom did you have that conversation? A. I think it was either with—perhaps with both—that is, I think that I gave the check, made it to the State Treasurer, and handed it to the secretary of the Forest Commission.

Q. You paid it to Mr. Colvin? A. No, sir, I think I made the check—I don't know whether it was before Colvin's time or since.

Q. When was this conversation? A. Well, I couldn't say, it was shortly after the cutting at the time that the trespass was reported.

Q. When was that? A. I couldn't say; I presume I could get a memorandum from their books of it.

Q. About when was it? A. I think it was the same spring that he finished lumbering there, I couldn't say, I think that was two or three years ago.

Q. In 1892 would you think it was? A. It was either in 1892 or 1893 I think.

Q. And with whom did you make your agreement as to settlement for that trespass? A. Well, I don't know whether it was with the secretary—

Q. McCreedy? A. McCreedy, or with Fox; I know that I gave the money to McCreedy; I think I made the checks payable to the State Treasurer.

Q. And what was their information as to the trespass which had been committed upon those lots? A. I couldn't tell you, sir; they told me how much he had trespassed and what they wanted; and I paid it.

Q. How much did they say they had trespassed? A. I couldn't say; I could get a memorandum from their books.

Q. How much did you pay for that trespass? A. I couldn't say.

Q. Don't you recall? A. No, sir, I do not.

Q. How was your payment for that trespass made, in cash or by check? A. I think it was made by a check, I think direct to the State Treasurer.

Q. Did you make payment for that trespass to any other person? A. No, sir, I did not; I never had any talk with anybody else about any trespass, only what I had down there in the Forest Commission.

Q. Who was interested with you in your contract with John J. Wakeley? A. I owned those lots and sold them to the State individually; you will find the deeds on record down there to the Comptroller's office.

Q. Did you sell them to the State after the timber had been cut by Wakeley? A. Yes, sir.

Q. That is, you are now referring to 33, 35, 36 and 37? A. Well, he didn't cut all the timber on 36 and 37; he left a portion of the timber; and I afterwards let the balance to a fellow named Stephen Douglass A. Morehouse; I guess he gave you his name; I heard them tell up there; and he got off the balance of the timber off from those lots for me.

Q. The lots to which you refer as those upon which you contracted with John J. Wakeley to cut all the timber for you, adjoin State lots, do they not? A. I think they do; the map shows it there; I couldn't say only what the map shows; I couldn't say who owned them.

Q. How was the land located for Wakeley on that job, and by whom? A. I let him the contract on 33 and 35 and a portion of 36; and I think I went in there with a surveyor; I don't recollect whether Wakely was with us or not, a fellow named Richards; I supposed the lots was well known; we didn't find them very plain; and this surveyor—I don't know how far he did run on those lot lines.

Q. Lot 33 is known as the Sawyer clearing, is it not? A. Yes.

Q. Sometimes known as the Stone lot? A. I think it is, yes; I bought it of Stone, anyway; that was a State lot just before I bought it, got the lot canceled, and then I went up and bought it off Stone; a great many people up there have got the impression that it is a State lot yet.

Q. Does Diamond Mountain brook run through lots 34 and 33? A. I wouldn't say; I think it does, but I wouldn't say positive.

Q. Were you upon the lots where Wakeley was cutting during the time of his doing the job for you? A. I testified that I was in there with a surveyor.

Q. Before he began cutting you said? A. No, sir, I don't.

Q. I ask you now if you were there during the time of the cutting? A. I said that I was with a surveyor; I was not on the lots before he commenced cutting on 33.

Q. I understood you to say that you went in there with a surveyor to locate the line for Wakeley? A. Well, I did at the time of his cutting, but not before.

Q. At the time that he went on to them to cut? A. After he commenced cutting.

Q. Were you there more than once? A. Possibly, I might have been at the camp more than once.

Q. You say that the whole of lots 15, 16, 17, 32 and 34, which are State lots in township 11, were cut over by John J. Wakeley, under his employment by you? A. No, sir; I never let him a log to cut on State land; if he cut any over, he cut them on his own authority, not on mine; I never let a man a job on a State lot.

Q. Do you think that he cut the logs there owing to the nature of the contract that he had with you, which was that you were to pay him so much a market for the timber, and he got his timber where he pleased? A. Well, if he did, he had no authority from me; I don't know as he did.

Q. Don't you think that is likely? A. That he did cut them?

Q. Yes. A. I don't know as he did; and, as I understand, what he cut I paid for; I don't know just how many, but you will find a record of it, I think, at the Comptroller's office and also at the Forest Commission office.

Q. Suppose we have a little different information from what would be found on record there—which information is that somewhere over seven thousand market logs were cut from those five lots belonging to the State? A. I think you were wrongly informed; my impression is that it was a great mistake; I didn't pay for any such amount, and I do not believe that Wakeley cut those logs.

Q. Was Tom Powers ever around township 11 during that job? A. I never saw him there; he might have been there for all I know.

Q. Did you ever have any conversation with him about the timber from the State lots to which I have called your attention? A. No, sir; I do not think I ever did.

Q. Fifteen, 16, 17, 32 and 34 of township 11? A. I know nothing about the trespass on those, any further than I paid at the Forest Commission office; I do not know what lots he cut off from; I didn't suppose that he cut but a little mite off from one lot.

Q. Did you ever have any conversation with Tom Powers with reference to the timber of those lots? A. I do not think I did; I don't

know why I should; I didn't know anything about the cutting on those lots; I do not now.

Q. Who told you that there had been any trespass at all on those lots? A. I think the Forest Commission notified me that they wanted I should settle; I frequently go in there, perhaps every time I go to Albany.

Q. Well, do you recall whether or not you paid for that trespass \$50? A. I couldn't say how much I paid.

Q. Do you think it was as much as that? A. I could not say; it might have been more or less; I couldn't say; in fact my impression is that there were two trespasses; my impression is that I paid in two items, I could not say positively.

Q. That is that you were charged on two different occasions? A. I think so.

Q. With trespass on those lots? A. I think so; I think it was two different payments that I made; I didn't trespass on those lots.

Q. You were charged with having trespassed? A. No, I wasn't charged with trespassing.

Q. What were you charged with? A. They said that my men had cut over the line; and they notified me that they wanted pay for it; and I paid it, for logs cut by those people, not by me.

Q. Were you so notified in the year 1894? A. I do not think I was.

Q. Was it before 1894? A. I don't think there was any trespassing in 1894.

Q. Did you receive your notice of the trespass in 1894? A. I do not think I did; I think it was before that time; still it might have been that time; I couldn't say when.

Q. Was your notice of the trespass there before D. C. Durfee and Dan Lynch began making investigations as to trespasses on State lands? A. Well, I couldn't say; I guess they were up there in that section a long while before I found it out; I don't know as I heard of it until last year after snow-fly or about that time.

Q. Well, were you notified of any trespass there on those lots before the summer of 1894? A. Yes, sir; I think I paid before that time.

By Mr. TEN EYCK:

Q. At any rate, it was long before you ever heard of Lynch and Durfee looking up any trespass? A. I did not hear of those fellows —

Q. I say it was long before you heard of it? A. Yes.

By Chairman WILDS:

Q. Did Tom Powers have anything to do with notifying you of any trespass on those lots? A. No, sir, he did not.

Q. Did you ever have any conversation with him in reference to trespass on those lots? A. Not that I remember of.

By Mr. TEN EYCK:

Q. Do you know who reported this alleged trespass to the Forest Commission? A. I do not, no, sir.

By Chairman WILDS:

Q. Did Seymour C. Armstrong ever have any conversation with you with reference to trespass on those lots? A. I do not think he did, no, sir.

Q. Were you ever notified by him in any way? A. I do not think I was, no, sir; I do not remember of him ever speaking to me in regard to anything whatever relating to the Forest Commission.

Q. Did you employ any one as jobbers upon the lots of township 11 other than J. J. Wakely and Stephen D. Morehouse? A. No, sir, I did not; I guess Morehouse might have had a partner with him for all I know, but I had no dealings with him.

Q. Did you employ George E. Cooper there? A. No, sir, I did not.

Q. Or Jesse Wells? A. No, sir.

Q. Or Charles Dunkley? A. No, sir.

Q. Or Melancthon Dunkley? A. No, sir.

Q. Or Thomas Keyes? A. No, sir.

Q. Or Jason Mead? A. No, sir; and I had no dealings with them.

Q. Did you pay any of those men for their work upon any lots of township 11? A. I do not think I did; Wakeley might have possibly gave them an order there to the store; and they might have traded it out, or got the money, but I do not think that I ever paid them a dollar.

Q. It is said that 1500 acres of lots 15, 16, 17, 32 and 34 of township 11 were cut over, the same being State lands, what have you to say to that? A. Not anything, I don't know anything about it, I couldn't say that there was an acre cut over.

Q. Was the trespass of which you were notified a trespass to that extent? A. No, sir, it was not.

Q. Will you give me your best recollection as to the information you received as to the trespass? A. Well, I gave you all the information I had to the best of my knowledge; that I was in the Forest Commission office, and they claimed there was a trespass reported there committed by Wakeley; and I think that I asked them how much it was; I think they told me; and my impression is that I argued a little bit on the amount they charged on the stumpage, or the amount they charged; and when we agreed on the price, I gave them a check made payable to the State Treasurer; and that ended the matter so far as I know, I paid what they demanded.

Q. Did you pay to any one for that trespass, or for trespass upon those lots, or the several trespasses upon those lots any more than \$50? A. I only paid just what I paid to the State Treasurer; I don't know just how much that was.

Q. Who was interested with you in the timber which was cut from those lots? A. I do not know as anybody; I do not know as there was any timber cut from those lots.

Q. What was done with the timber cut from those lots? A. Well, the timber that I paid for, I presume it went in with the other logs.

Q. Where was that timber delivered? A. Well, I couldn't say; it was delivered in the river there.

Q. Whose mark was upon it? A. Well, I couldn't say; there might have been several parties for all I know; that is, I might have sold—I was selling logs to Thomson, Douglass & Box.

Q. Don't you know that Wakeley's job extended over two years upon those lots? A. Upon lot 33 and 35, yes, sir; I think he lumbered two years on 33 and 35, and a portion of 36.

Q. Was the notice of trespass which you received during the first year of his employment? A. I think there was one notice at that time, but I couldn't say positively.

Q. Was the second notice of trespass which you received during the second year of his employment? A. I think it was; I wouldn't be positive as to that; I think I paid twice; that is, I paid a trespass at two different times; that is the best of my recollection.

Q. Do your books show how much you paid? A. No, sir.

Q. Do your books show how much you have paid to the Forest Commission? A. No, sir.

Q. Or to Thomas Powers, or to the State Treasurer, for any trespass committed at any time? A. I never paid Thomas Powers a cent, not even a penny.

Q. Never had any business transactions with Thomas Powers? A. In regard to State lands? I never committed any trespass on State lands; I didn't have to pay anybody; I have got timber enough of my own without committing trespass on State lands.

Q. Do your books show all your money transactions? A. No, sir, they do not.

Q. All your personal payments? A. No, sir, they do not.

Q. Do they show how much money you have paid, and the time of payment, for any trespass with which you have been charged? A. I do not think they do; no, sir.

By Mr. TEN EYCK:

Q. Have you ever been charged with trespass? A. No, sir; I never committed any trespass.

By Chairman WILDS:

Q. Your jobbers? A. I am not responsible for what my jobbers done.

Q. Your jobbers have been charged with trespass? A. That I do not know anything about.

Q. And you have been held responsible therefor? A. I do not know who had held me; I haven't had anybody hold me so far.

By Mr. WAGSTAFF:

Q. You have paid for some trespasses? A. Committed by other people, yes, sir; but none committed by myself.

Q. But they were men who were working for you? A. They were not working for me when they committed any trespass; they were working for themselves.

Q. You received the timber that was taken from State lands? A. It might have been measured in with mine; I never received any timber; I never received any stolen property.

Q. Who measured the timber that was cut from township 11 under your jobs with Wakeley and Morehouse? A. Thirty-three, 35 and 36?

Q. All the lots; all the timber that was cut from township 11 by Wakeley — who measured that timber? A. Well, Wakeley had timber there of his own.

Q. For you of course? A. No, sir, he didn't; he had timber outside of me.

Q. I say, who measured the timber that was cut by Wakeley for you, and by Morehouse for you, from any lots of township 11? A. I couldn't say; I think possibly that Mr. Thomson had a portion of the logs, and perhaps George H Freeman; I could not state who measured the logs; I do not know; I sell the logs off from tracts; but I do not dictate who they should have measure them; for that is none of my business.

Q. Don't you ever verify the measurement? A. No, sir; they measure the logs, and credit them up to me on their books.

Q. Weren't your payments to Wakeley and Morehouse for the work they did for you dependent upon the measurement of the logs? A. Yes, sir.

Q. And didn't you have certified to you those measurements? A. No, I think they had the measurements; I haven't had measurements for a log that I have had cut in years; in fact, I haven't settled with Mr. Thomson in I don't know how long, I guess since I first started in six or eight years ago.

By Mr. WAGSTAFF:

Q. You feel certain though that he has paid you for about all the logs that you have delivered to him? A. I do not think he has, no, sir, I do not feel certain of any such thing.

Q. Still if you are not connected in any way with that trespass, why did you settle with the State Forest Commission? A. Why did I?

Q. Yes. A. These people reported that those people cut those logs; and I paid for it.

Q. Why did you pay it? A. Well, they went, I suppose, and cut over the line through mistake; and I settled.

Q. Then you were interested in some way in those logs that were cut? A. No, sir, I was not.

By Chairman WILDS:

Q. They were all delivered to you? A. Those people might have measured those logs, not knowing where they came from; they would not have measured them if they knew they came off from State lands.

By Mr. WAGSTAFF:

Q. What I want to know is why you paid the State Forest Commission anything for those logs if you were not in any way interested in them? A. Those people claimed—

Q. Who are "those people?" A. Forest Commission.

Q. Claimed what? A. That Wakeley cut a few logs over there; and I asked them how much it was, and they told me; and I paid it.

Q. Then you were interested in that job that Wakeley was doing; you had let him that job? A. On my lots.

Q. On your lots? A. Yes, sir.

Q. And you paid the State for the logs that he cut from the other lands because you had received those logs? A. Well, they were put in there, I presume, those fellows measured them before they knew where they came from.

Q. You would not have paid for them if you had not received them, would you? A. No, sir, I would not; I did not receive the logs; they were measured in with the others; nor those people would not have received them.

Q. The other logs you had already sold? A. Yes, sir.

By Mr. TEN EYCK:

Q. Had sold them all? A. Yes, sir, I sold the logs off from those lots to those parties.

Q. Now, as I understand it, it is not an uncommon occurrence for jobbers in the woods to cut a few logs over the line by mistake? A. They go in there; and through mistake they cut over the lines.

Q. The lines are not well defined anywhere? A. Well, there is a great many places that it would bother men that are not experienced with lines to follow them without you have a compass.

Q. And, in this instance, you were notified by the State Forest Commission that there had been a trespass along the lines? A. Yes, sir.

Q. Between your lands and the State lands? A. Yes, sir.

Q. And that your man Wakeley had committed that trespass? A. Yes, sir.

Q. You were not charged with a willful trespass, were you, by the Forest Commission? A. No, sir, they didn't consider it so; they considered it as an innocent trespass.

Q. And you assume that you got the logs, and you therefore settled with the Forest Commission for the trespass that they claimed? A. Yes, those logs went in with the others.

Q. Did you ever hear of any other trespass on the lots that the chairman has heretofore mentioned in township 11, other than those? A. Well, I never heard of any such trespass until he mentioned it to-day.

Q. And if there was such a trespass committed, you never received the logs from the same? A. I do not think I did; I know those five lots in there, and I have not received any such amount of logs; I do not know just how many logs were received; they must have cut them all according to his tell; my land could not have been worth anything; I had the best lots that were in there.

Q. The number of logs which would have been cut from those lots which he has mentioned, if you had received them, you would have been very apt to know from the quantity of it, it was more than came off from your lot, wouldn't you? A. Yes, if it was 7,000 markets I should; I think the chairman states that that was the amount.

Q. If it had been anywhere near that number, you would have known that they could not have all come off from your land? A. Yes.

Q. So that if a trespass was committed there, you never received the logs, and never heard of it until now? A. No, sir; I did not.

By Chairman WILDS:

Q. As I understand your testimony, about a thousand markets are commonly credited to each 100 acres, are there? A. A thousand? that would be 10 markets to the acre; oh, they run more than that; I said fifteen to eighteen markets to the acre.

By Mr. WAGSTAFF:

Q. Did you mean to say that the man who let the contract upon 11 had merely cut over and along the line between your lots and the State lands, committing thereby a slight trespass? A. Why, the

way I understood it, there had been a small trespass up there; and I ask them how much it was; and I think we argued a while on the amount; and we agreed upon a price, and I paid it.

Q. Did they tell you it was simply along the line, along the dividing line? A. I understood it was just across the line.

Q. Did they tell you it was along the dividing line? A. I couldn't say just what the conversation was.

By Chairman WILDS:

Q. Was your conversation with Col. Fox? A. I think it was with Col. Fox and McCreedy; I think the principal part of it was with Fox.

Q. How did you happen to come there? A. Well, I was in the Forest Commission office most every time I went down to Albany, or in the Comptroller's; I went into either place or both places nearly every time I went down

By Mr. TEN EYCK:

Q. You were buying and selling tracts of land in the Adirondacks, and were at that time? A. Yes.

Q. And nearly every time you went to Albany you had something in the Comptroller's office or in the Forest Commission office. A. Yes.

Q. And as a matter of fact that was the reason you came down here? A. Yes, that is about all the business I have down here is looking after those things.

By Mr. WAGSTAFF:

Q. Then, as a matter of fact the man might have cut directly on State lands for all you know? A. I do not know anything about it.

By Chairman WILDS:

Q. You have never been on the lots since you let the job to Wakely? A. I think I went across the lots when I let the job to Morehouse.

Q. Never since then? A. No, I do not think I have.

By Mr. TEN EYCK :

Q. What instructions did you give to Wakely? A. The same instructions that I give every man.

Q. What were those? A. I let him the contract to go on a certain lot or lots, and tell him where the lot is on the map, or in other words, by word of mouth; I say I own such a lot, for instance, I own lot 3 up in township 30; I never saw the lot; I bought it of the Adirondack Timber and Mineral Company a year ago; I sold the timber on it this summer without going on to the lot; I went up as far as—within about three miles of the lot; and we agreed upon a price there; and I turned around and came home.

Q. So you take the map and tell them what lots you own, indicating on the map, in a certain township? A. Yes.

Q. And that you will give him the contract to remove the timber from those lots? A. Yes.

Q. Now what other instructions did you give them? A. Well, we generally get the distance on the maps, about how far the logs have to be hauled, and about how much mountain there is.

Q. What other instructions? A. That is about all.

Q. Do you tell them anything about cutting on adjoining property? A. We tell them not to cut over the line.

Q. Do you instruct them so; did you in this case? A. I don't know as I did; I think I told Wakeley not to go over the line; I am pretty sure I did.

By Chairman WILDS:

Q. Why did you tell him that? A. Well, because it is pretty expensive settling trespass.

Q. If a trespass that is reported to us, and testified to before this committee as having been to the extent of 1,500 acres cut over on lots 15, 16, 17, 32 and 34 of township 11, the same being State land, and not less than 7,000 market logs taken therefrom, if such a trespass was reported as a slight trespass, and settled for by you as a slight tres-

pass for a nominal sum, you wouldn't consider it very expensive, would you? A. Well, I didn't understand there was any such trespass; I couldn't understand; I do not know what the State would do in such a case; I would hate to commit a trespass of such an amount and take my chances.

Q. What directions did you give to Morehouse when he entered on his job on any lots of township 11? A. I told him to be sure and not cut over the line.

By Mr. TEN EYCK:

Q. That is your usual instruction? A. Yes, sir.

By Mr. WAGSTAFF:

Q. Did you deduct from Wakely the amount that you had to pay the State for his trespass? A. I couldn't say that I did.

Q. Don't you usually deduct from the men the amount that you have paid the State? A. Well, we do not usually have any trespass.

Q. You have in some instances had trespass? A. Not very often.

Q. Well, in those instances that you have had, have you deducted that amount from the amount that you have paid the men who committed the trespass? A. I do not think I charged that up against him; I do not think I did.

By Mr. TEN EYCK:

Q. You supposed you had the logs? A. Yes.

Q. And you had the benefit of it? A. Yes.

By Mr. WAGSTAFF:

Q. But you were paying Wakeley for those logs, and you also paid the State for those logs; therefore, you paid twice for those logs? A. The supposition was from the State that they didn't charge any more than actual stumpage.

Q. Did you pay Wakeley also? A. Yes; Wakeley was entitled to his pay as long as the State did not charge—as it was an innocent trespass, the State didn't charge the penalty—

Q. So that you are out of pocket that amount of money — A. I do not see as anybody is out money unless the State charged more than —

Q. If Wakeley had not committed the trespass, you would not have had to pay that additional sum of money? A. No, sir; I wouldn't.

Q. You would simply have had to pay Wakeley the amount per market that you agreed to pay him? A. Yes.

Q. Now, you testify here that you not only paid Wakeley the amount per market that you agreed to pay him, but in addition paid the State — A. I paid the State stumpage, what was supposed to be due after paying Wakeley.

Q. So that you paid both for those logs? A. Yes; but they were entitled to both; they didn't belong to me; Wakeley was entitled to his pay, and the State was entitled to the timber; the timber didn't belong to me.

By Chairman WILDS:

Q. At what prices were you charged for stumpage by the State? A. I think twenty-five to thirty cents.

Q. Does that mean twenty-five to thirty cents per market? A. Yes.

By Mr. WAGSTAFF:

Q. What would be the stumpage ordinarily? A. I think when that bill passed, allowing the State to sell, that the price was fixed at from twenty-five to thirty-five cents; the usual price was about thirty cents.

Q. Well, then, it was not particularly expensive to you to pay for that trespass? A. Well, it hadn't ought to be; I was an innocent man.

Q. You have just testified that it would be very expensive for you to trespass on State lands to any extent, and yet you say that you would not pay more for those logs in settlement than you would if you were buying the standing timber from the State? A. Why should I pay more—I being an innocent trespasser, or an innocent man in the case, why should I pay more?

Q. That is all very true, but that is not the question; how is it expensive to you under the circumstances? A. This gentleman was talking about 6,000 or 7,000 standards.

Q. How then? A. I would be afraid that I ain't worth enough to pay for as large a trespass as that; they might come on to me for the penalty.

Q. Don't you make the same amount of profit out of those logs that you would out of any logs cut from any land that you own? A. You do not mean to think that a man would go on to other people's property and cut 6,000 or 7,000 standards—

Q. Now answer the question fully.

Stenographer reads question as follows: "Q. That is all very true, but that is not the question; how is it expensive to you under the circumstances?"

A. Well, I don't know; I haven't ever committed any trespass; you will have to ask somebody that has been trespassing.

Q. You have settled for a small trespass. A. Yes.

Q. Now, referring to that small trespass, didn't you make the same profit out of those logs that came from State land— A. I didn't make any profit on that small trespass.

Q. Did you make any profit from the sale of the logs on your own lands adjoining that land? A. I made the actual stumpage; the difference between the contract price of putting in and the amount I received when they were driven out.

Q. And you receive the same price for the logs cut from State lands as you did from your own lands? A. Yes, but I paid Wakeley, and I paid the balance to the State; so I didn't receive anything.

Q. You had originally paid something for the wood upon the land which you claim to own, adjoining State land? A. Yes, I had bought the lots and paid for them.

Q. Now, when you settled with the State for the logs cut from the State lands, you paid no more for those logs than you would if you

were buying them standing from the State or from any other person?

A. I paid Wakeley the contract price for putting them in, and the State got the balance; I didn't receive any profit on the logs, didn't want any.

Q. Why didn't you receive 'just as much profit out of those logs as you did from the logs from your own lands? A. If you can show me where I received anything—I paid Wakeley and paid the balance to the State.

Q. You simply bought the logs from the State? A. I paid them what they claimed.

Q. Which was precisely the same price as if you were buying them from the State? A. It was supposed to be the balance after paying Wakeley for putting them in.

Q. And so if you were buying a large amount of standing timber from the State, you would pay the same price as you paid for the logs which it was claimed Wakeley cut from State lands? A. I think I bought several lots and had them awarded to me down there; I think I was to pay 30 cents a standard; I think the records will show that.

Q. So that, as a matter of fact, if you make any profit on your sale of logs you could settle with the State for the trespass, no matter how large, and pay the man for cutting the logs, and still have a profit on the transaction to yourself? A. Well, I do not know what they would do if they thought that a man went in there—

Q. At this price for which you have settled for this small trespass? A. I didn't make any price; I simply paid Wakeley for putting them in, and the State got the balance.

Q. In other words, it would not be very expensive for you if you could buy the logs from the State? A. At 30 cents, the same as these settlements I have made, I consider that I would get a living just about, out of it; I do not think there is any big money at 30 cents stumpage.

Q. So that, as a matter of fact, it would not be expensive for you, or anybody else, to commit trespass upon State lands? A. I don't know anything about that; I do not know what the State would do if you committed trespass.

Q. Presuming that they would charge you a stumpage of 30 cents? A. If a man was sure he would get out for 30 cents, why possibly he would not have anything left for himself after paying the contract price for putting them in, and the 30 cents to the State, I do not see where the margin would be.

Q. You say you have been paying 30 cents stumpage? A. I had some awarded to me.

Q. And you made a profit out of that?

Mr. TEN EYCK.—Wasn't that in a different locality?

Mr. WAGSTAFF.—I am referring generally.

The WITNESS.—I took the map, and picked out such lots, as were convenient to the stream, that I thought there might be a little margin in, and I made bids for them, and in several cases they were awarded to me.

By Mr. TEN EYCK:

Q. Did you ever hear of a trespass to the extent that has been stated to you by the chairman to-day? A. I do not think I did, no, sir.

Q. And in the case of a trespass of that kind, you do not know that you could settle with the State for 30 cents? A. I do not think they would settle.

Q. You think they would prosecute a man? A. If they found out that it was not an innocent trespass, I do not think a man could settle with them.

By Chairman WILDS:

Q. Do you know whether Wakeley and Morehouse sublet their contracts? A. I couldn't say, I understand that Wakeley had sublet some, but I do not know anything about how much or how little; I do not think I ever was on there more than once.

Q. Did you personally cut, skid or haul any of the timber from any of the lots of township 11? A. No, sir, I did not.

Q. Did you do so through any men directly employed by you other than as you have stated that you employed Wakeley and Morehouse?

A. No, sir, they were the only two men that operated in there for me.

Q. Where else have you employed Wakeley on any job? A. I think that is all; what I have stated; I haven't employed them anywhere else except on township 32.

Q. Did you ever employ Hugh Lindsey on any job? A. I let Hugh Lindsey, I think, a contract on township 18, and also one, I think, on lot 31, township 27; township 18, I think he lumbered two or three years on.

Q. Did Hugh Lindsey ever do any lumbering for you on township 27, Totten & Crossfield purchase? A. On lot 32 I think it is.

Q. Did he ever do any lumbering for you on any other lot or lots of township 27? A. I think he lumbered on a portion of 26 and 27; I sold all those small lots there to the State, and I sold 26 and 27, I think, 50 and 70 of the same township; 50 and 70 are not colored red yet.

Q. Twenty-six and 27 are colored red? A. Yes, sir; and those small lots, 67 acres apiece, those little lots there.

Q. You mean lots 10 to 14, inclusive? A. Yes, sir; I think lots 26 and 27, and I think one other lot.

Q. Well, did Hugh Lindsey ever do any lumbering for you on any other lots of township 27? A. Only on those that I have mentioned there.

Q. Now, the testimony before us is that on lots 32, 42, 52, 53, 62, 63 and 64, of township 27, and upon the adjoining lots, Nos. 2 and 3 of township 26 of the Totten & Crossfield purchase not less than 1,000 acres were cut over, and not less than 4,500 markets of logs taken therefrom by Hugh Lindsey under his employment by you?

A. I know nothing about that; I only let him a contract on those

lots that I state; I think that I paid a trespass committed by Lindsey; I do not remember just how much it was.

Q. Where was it alleged to have been committed? A. I couldn't say; I couldn't state what lot it was.

Q. When did you pay for such trespass? A. Well, I think in 1893 or 1894; I do not remember the time.

Q. Did you ever receive not less than 4,500 markets cuts from lots of township 27? A. Well, I couldn't state how many markets there was on those lots that he lumbered.

Q. Do you know anything of the 4,500 markets that he is said to have taken from the lots to which I have just called your attention? A. No, sir, I do not; all I know is that a trespass has been reported the same as the Wakeley trespass; those fellows down there demanded so much and I paid it the same as I did on the Wakeley trespass.

Q. Will you, by reference to the map, tell me upon what lots you employed Hugh Lindsey? A. I told you—

Q. Well, once more, so that I may locate it here? A. Township 18?

Q. I mean of township 27? A. I answered 27, 26 and 27.

Q. Twenty-six and 27? A. Yes.

Q. Those are State lots? A. They were not at that time; I sold them to the State; and on a portion of those small lots there, I do not know just how many of them—

Q. When did you sell 26 and 27 to the State? A. I think it was 1893.

Q. This map was made in 1893, and they are indicated as State lands then? A. It might have been a year before.

Q. Did you sell the lands directly to the State? A. Yes, sir, directly to the State; they have a blank form—

Q. Was that after you cut the timber from those lots? A. Yes, sir; I wouldn't sell land for \$1.50—

Q. How much timber was cut from 26 and 27? A. I couldn't state.

Q. Haven't you any records by which you can state? A. No, sir, I have not.

Q. Don't your books show? A. No, sir; I do not think my books have got any logs on except a few last year.

Q. Now from what other lots of township 27, Totten & Crossfield purchase, did Hugh Lindsey cut timber from for you? A. I don't know as he cut on any lot other than I have named.

Q. Twenty-six and 27? A. Yes, sir, and those small lots there.

Q. And the small lots immediately north of 26 and 27? A. Yes, and this lot 31 on the river.

Q. Lot 31 of Thorne's survey? A. Thorne's survey, yes, sir; I think those are all in Thorne's survey, those lots that I speak of.

Q. Don't you know of Hugh Lindsey having lumbered on lots in the southwesterly part of township 27 which are upon this map indicated as State lots? A. Only so far as I have told you.

Q. You say he was charged with having committed trespass? A. Yes, sir.

Q. Somewhere up there in township 27? A. Yes, sir, township 27.

Q. Was that when he was lumbering on 26 and 27? A. I think he was, I wouldn't state; or when he was on 18; I think it was when he was on 18.

Q. Township 18, you mean? A. Yes, sir, township 18, we call it township 18.

Q. You know nothing about any timber having been taken by Hugh Lindsey from lots 2 and 3 of township 26, and lots 32, 42, 52, 53, 62, 63, and 64 of township 27, do you? A. Nothing more than what I have stated, the trespass that I had to pay for.

Q. And what was that? A. I do not remember the amount; I paid it to the State Treasurer—that is I paid it to the Forest Commission with a check made payable to the State Treasurer.

Q. That was in 1893, you think? A. I think it was 1893 or 1894.

Q. Wasn't it 1894? A. Well, I couldn't state what year it was; it might have been; I couldn't state.

Q. Well, if you had never employed Hugh Lindsey on any of those lots, why did you pay for the trespass he had there committed? A. Well, I understood that he had cut over the line, but I didn't question them fellows; it wasn't enough to pay to send a surveyor up there, so I paid the amount.

Q. The lots to which I call your attention are not adjoining to township 18? A. Well, I know nothing about any trespass on any of those lots.

Q. But they are around or near to a stream which is the outlet of Moose pond? A. Well, sir, I do not know anything about the outlet to Moose pond only I am one of the stockholders in Moose pond, but so far as the outlet or the pond itself, I never saw—

Q. By whom were you notified of that trespass by Hugh Lindsey? A. I couldn't state whether it was the secretary—I think it was the secretary of the Forest Commission.

Q. Was the trespass of which you were notified one committed upon the lots to which I have particularly called your attention? A. I couldn't state.

Q. Or upon any of them? A. I couldn't state what lot it was; probably the records would show down there what lot it was committed on.

By Mr. TEN EYCK:

Q. You were told it was one on the line of your lot? A. Yes, but I couldn't state what lot it was committed on.

By Chairman WILDS:

Q. How much did you pay? A. I couldn't say; I do not remember the amount.

Q. Did you make more than one payment? A. I couldn't say as to that; the only trespass that I can remember definitely about is

lot 7; we had such a time over it; I claimed the lot and the State claimed it, and we compromised by my paying them a hundred dollars.

By Mr. WAGSTAFF:

Q. How is it that the only thing you can remember about is the rather unimportant fact that they told you it was along the line? A. How is it?

Q. Yes. A. I don't know as they did tell me it was along the line; it is just supposition.

Q. You have just testified to Mr. Ten Eyck that they told you it was along the line? A. Well, to the best of my recollection that is what they said; the supposition is that it was along the line; I can not state where it was.

By Chairman WILDS:

Q. Who was interested in the timber which Hugh Lindsey cut for you? A. Who was?

Q. Yes. A. Sherman and others owned the timber on township 18 with me.

Q. No, on township 27? A. I own those lots individually.

Q. Who was interested in all the timber which Hugh Lindsey cut for you from lots of township 27? A. Why, the lots that I have told you, I own them individually.

Q. Well, upon any other lots where he cut timber, who was interested with you?

Mr. TEN EYCK.—I object to that.

The WITNESS.—I do not know anything about his cutting any timber on any other lots; I do not know what other people may do.

By Chairman WILDS:

Q. Suppose he admits the cutting of the timber to the extent of 4,500 markets from lots 32, 42, 52, 53, 62, 63 and 64 of township 27, and lots 2 and 3 of township 26—what would you say as to that?

A. I would say that I do not know anything about it; I still say I do not know anything about what Hugh Lindsey done.

Q. Have you ever been upon those lots? A. Those State lots?

Q. Yes. A. No, I do not think I have, no, sir; I do not think I was ever on those lots; I might have crossed them in some way, going back and forth to township 18, or sometimes going through there, not knowing; I do not know where those lots are only so far as the map relates to them.

Q. Do you remember that a fire was run over those lots immediately after the timber was stripped off? A. No, sir; I do not; I know that fire run over my lot down there; I had a lumber camp cost me \$250, and a river driving outfit of about the same amount, and the camp burned up; the State land, I do not know anything about that; I know what my loss individually was, but I do not know what others was.

Q. Did you ever employ any one else on any lots of township 27?

A. Why, I think that George Miner put in some logs for me from lot 7.

Q. Didn't he also from lots 6 and 41? A. He might have cut over the line; I know I paid a trespass on lot 6; I think it was committed by George Miner.

Q. When did you pay that? A. I couldn't say as to that; I think 1893 or 1894; I think I paid this trespass on lot 7, the \$100, three or four years ago; my impression was it was under the old commission, not this one that was legislated out, my impression was it was under the other one.

Q. Well, George Miner's trespass on lot 7 of township 27 is stated to us to have been to the extent of 2100 markets taken from not less than 200 acres from that lot? A. I couldn't say as to the amount; I know I paid, and settled, and relinquished my claim to the lot no matter how much it was. I claimed lot 7 and got it cancelled; and it was cancelled, as I remember, not far from the 1st of December.

Q. Of what year? A. Well, I do not remember the year, but the Comptroller's books would show.

Q. Within a year or two; we can not go searching through the books? A. I can not state. My impression was it was about four years ago; anyway it was before this commission that has been legislated out of office came in; and the Comptroller refused to take the money as I wasn't there on a specified date; then he referred it to the Forest Commission; and the two commissioners were willing to grant it, but Commissioner Coxe would not allow the Forest Commission to convey, but recommended that—I gave them \$100, and released my claim to the lot, that is, signed a receipt that they took from me.

Q. That is all in reference to lot 7 of township 27? A. Yes.

Q. In Richards' survey? A. Richards' survey.

Q. Now in reference to lot 6 of Richards' survey of township 27, it is said that you there committed trespass to the extent of 400 markets taken from not less than 140 acres of that lot through George Miner; what have you to say to that? A. Well, sir, what timber that I had that Miner cut, I paid them; I do not remember how many nor how much; I do not remember as to the amount, but I settled for whatever George Miner cut; I do not know nothing about what he done, but I understood he took some lumber to the mill and had it sawed; but I paid them what they cut for me; that is what they claimed that they measured at the time that they measured those logs on lot 7.

By Mr. TEN Eyck:

Q. The State measured the logs on lot 7 A. No, they claimed that when those logs on lot 7 were measured that this man had cut over on lot 6.

Q. Who measured to see how many had been cut on lot 7? A. This man we sold to, I couldn't say whether there was two thousand one hundred or one thousand, I do not know how many.

By Mr. WAGSTAFF:

Q. You took his figures though? A. Whose?

Q. Whoever measured the logs? A. Yes, I had to take his figures; that is the way we usually do, take the man that scales them.

By Mr. TEN EYCK:

Q. As I understand, the State claimed lot 7? A. Yes, sir.

Q. And you claimed lot 7? A. Yes, sir.

Q. And they wanted you to settle for a number of logs cut from lot 7, and in that dispute it was finally agreed that you pay them \$100 and relinquish all claim that you had to lot 7? A. Yes, sir.

Q. Now in that settlement did the State notify you of an alleged trespass on lot 6? A. Yes, sir.

Q. And that was settled at the same time? A. I do not know whether it was settled at that time or later; I do not remember as to that.

By Chairman WILDS:

Q. Don't you know that George Miner cut the timber on the southerly half of lot 7 of Richards' survey of township 27 in one year, and the next year he cut on lot 6 under a separate employment by you? A. No, sir, I do not understand any such thing.

By Mr. WAGSTAFF:

Q. Well, what is your understanding of it? A. My understanding was that he cut on lot 7.

Q. Only? A. Only; except what was stated by the Forest Commission.

Q. Was he not subsequently employed by you on lot 6, and wasn't that employment the year following? A. No, sir.

Q. To that when he was employed on lot 7? A. I never let him a contract on lot 6.

By Mr. TEN EYCK:

Q. And if he cut on lot 6, it was without your authority or permission? A. Yes.

By Chairman WILDS:

Q. Didn't you settle for the trespass which he is alleged to have committed on lot 6? A. Yes, sir.

Q. Why did you settle for that trespass? A. I understood that he cut it at the time he was cutting on lot 7; that is the way it has been reported to me; still, I couldn't say only so far as they have reported to me.

Q. Suppose his testimony is as I have stated it in my question, what have you to say as to that? A. I have nothing to say so far as his testimony goes

By Mr. TEN EYCK:

Q. Is his testimony true or false in that particular? A. If he testified I let him a contract on that lot, it is false, because I did not let him a contract.

Q. Never told him to go on that lot? A. On lot 6, no, sir.

By Mr. WAGSTAFF:

Q. Did you ever let anybody a contract on lot 6? A. No, sir.

By Chairman WILDS:

Q. Did you ever suggest to George Miner or any one that he cut the timber on lot 6 of Richards' survey, township 27? A. That he did?

Q. Did you ever suggest the cutting of the timber there? A. No, sir, I did not; I did not claim lot 6.

By Mr. TEN EYCK:

Q. Did you ever directly or indirectly — A. On lot 6?

Q. No, no — authorize anybody to cut on Statelands? A. No, sir, I did not; lot 7, I claimed a better title than the State did.

By Chairman WILDS:

Q. From whom did you acquire your alleged title to lot 7 of Richards' survey, township 27? A. From whom?

Q. Yes. A. From a fellow named Farr that has lived there, I think, some eighteen years or more.

Q. He is now living in the northerly part of lot 7, is he not? A. Yes, sir; and of Washington Chase, of Newcomb, also.

Q. The timber cutting that was done was done on the south side of that lot, south of the river that runs through that lot? A. I think it was, yes, sir.

Q. None of the timber was cut in the northerly part of that lot, was it? A. I couldn't say as to that; if there had been any timber on it, I guess we would have cut it, because I claimed the lot.

By Mr. WAGSTAFF:

Q. Did you yourself ever discover any depredation committed on State lands by any man to whom you had let a contract? A. No, sir, I didn't that I know of; I do not travel in the woods very much.

By Mr. TEN EYCK:

Q. If anybody in your employment committed a trespass upon State lands, it was done without your knowledge and consent, was it? A. Yes, sir.

By Chairman WILDS:

Q. Did you ever employ Philander Baldwin? A. No, sir, I did not.

Q. Did you ever buy any timber from him? A. No, sir, I do not think I did; I know a gentleman named Baldwin in Glens Falls; he has been trying to sell me some timber land, but I never purchased any from him.

Q. Either standing or cut? A. I do not think I did; I do not think I ever had any dealings with him in any way.

Q. Did you ever buy from John J. Wakeley any timber which he had cut? A. No, sir, I did not.

Q. Did you ever employ W. H. Baker on any timber transaction? A. I let him a contract on township 50, Totten & Crossfield purchase.

Q. Lots 97, 98 and 99? A. I do not think 99 was mentioned; I do not think I let him any contract on 99.

Q. Ninety-seven and 98? A. Well, those three white lots there on township 50, on the southern line of the township, those three lots right there (indicating).

Q. Do you mean 100, 101 and 102? A. I mean those three white lots there.

Q. There are more than three, there are five. A. Those are double lots, double number, one lot doubled numbered.

Q. Are those the lots to which you refer (indicating)? A. Yes, sir.

Q. That is 100, 101, 102, 113 and 114? A. I think those are the numbers.

By Mr. TEN EYCK:

Q. Those lots are doubled numbered? A. Yes, sir.

Q. One of them is three numbers deep? A. No, that is another lot there; there is three lots there, and two of them is doubled numbered and the other is single numbered.

By Chairman WILDS:

Q. One hundred and 101 are two numbers given to one lot? A. Yes, sir.

Q. One hundred and thirteen and 114 are two numbers given to another lot? A. Yes, that is right.

Q. And the third lot is 102? A. Yes; Baker took the contract to land those logs on the river from those three lots.

Q. And he employed Robert Montgomery? A. I think so; yes, sir.

Q. Sublet his contract to him, did he? A. I do not think he did.

Q. Robert Montgomery says that he took the timber from lots 97 98 and 99 of township 50, which are State lots; what have you got to say to that? A. I know nothing about it; I do not think he did.

Q. That he put in between five thousand and six thousand markets from those lots? A. From those three lots, yes, sir; my impression

is that he put in five thousand and seven hundred off from those three lots ; I took the contract from Watkins, Turner & Co., of Potsdam ; I took the contract from Watkins, Turner & Co. to take those logs and drive them out of the stream ; but I was afraid that those people would not land the logs so that I could get mine, which were above them, out ; so I took my contract and sublet to Baker.

By Mr. TEN EYCK :

Q. You are now testifying in reference to the three lots from which you say you took that contract? A. Yes, from Watkins, Turner & Co.

Q. And that was the two doubled numbered lots and 102 the single lot? A. Yes, sir.

Q. You never directed or authorized or permitted, either directly or indirectly, Montgomery or Baker to go on any other lots than those you have testified and cut for you? A. No, sir.

By Chairman WILDS :

Q. Did you ever know that you had received the timber from lots 97, 98 and 99 of township 50? A. No, sir, I did not.

Q. Which Montgomery testifies that he cut over to the extent of five thousand or six thousand markets in 1892. A. He cut those five thousand or six thousand markets off from 100, 101, 102, and 113 and 114.

Q. Do you remember who measured the logs? A. I do not, no sir ; they belonged to Watkins, Turner & Co., of Potsdam, and their agent measured them.

Q. Well, do you know a man by the name of Austin? A. No, sir, I do not.

Q. Do you think he measured them? A. I couldn't say, only so far as I think I heard Montgomery state that that was the man's name.

Q. Did Edward Anderson have any interest in that timber? A. No, sir, I do not think he did ; Edward Anderson was lumbering on

township 28 for me, which I owned at that time, owned three-quarters of the township.

By Mr. WAGSTAFF:

Q. Do you know of any case where any trespasser, or party committing a trespass, was compelled to pay the penalty of \$25 a tree, which the statute provides? A. I do not, no, sir.

Recess for dinner.

EVENING SESSION, 8:30 P. M.

Examination of PATRICK MOYNEHAN, continued:

Examined by Chairman WILDS:

Q. Calling your attention to township 29, and the 352 and the 500-acre lot of the Russell tract therein belonging to the State, what knowledge or information have you as to the timber having been cut or taken from those lots? A. I haven't any.

Q. Did you employ anyone in reference to the timber on those lots? A. No, sir, I did not, nor I haven't had the timber.

Q. Didn't have the timber? A. No, sir.

Q. Are you one of the Morgan Lumber Company? A. No, sir.

Q. Have you any connection with Knapp and Faxon? A. Not only so far as I know them; they live in the town of Chester; I know of them.

By Mr. TEN EYCK:

Q. You are not interested in business with them? A. No, sir, not in any way; that is right across the line, Mr. Chairman, from where I told you that the State had, as I understand it, came and run a line between township 29 and township 11; and they found that I had only cut half of the lot; and so I went back and cut the balance; there is a disputed line there between the two townships, and I hadn't cut up to the line; I had only cut 150 acres, and I went back and cut the balance.

By Chairman WILDS:

Q. On what lot? A. Twenty-six.

Q. In what township? A. Township 11.

Q. You are speaking now of what you have heretofore testified to.

A. Yes, sir.

Q. In the case of any of your lumbering transactions, has the timber ever been seized by any forester or other State authority?

A. I do not think it has except on that lot 7 that I spoke of, lot 7, township 27.

Q. That was the timber cut by George Miner? A. No, sir; that was the timber cut before George Miner went on there.

Q. By whom was it cut? A. I think it was cut by a fellow named Bissell.

Q. Charles Bissell? A. No, sir.

Q. Howard Bissell? A. Howard Bissell.

Q. What lot was that? A. Lot 7.

Q. On lot 7, Charles H. Bissell? A. No.

Q. Made a contract on your behalf with George Miner? A. No, sir; he didn't, not to my knowledge.

Q. And you paid George Miner for his timber cutting there? A. I paid George Miner for his timber cutting, but to the best of my recollection Charles H. Bissell had nothing to do with it.

Q. Who did have anything to do with it? A. I think what little transaction there was was between Miner and myself, that is he might have gotten his pay up at the Newcomb store there.

Q. What did Bissell have to do with it? A. I do not think he had anything.

Q. Well, did he have anything to do with the cutting of timber by Miner on lot 6 of township 27, Richards' survey? A. Not to my recollection, I do not remember that he ever had anything to do with any of it.

Q. Didn't Bissell make a contract on your behalf for his doing the work there? A. I do not think he did; no, sir.

Q. Didn't you at the same time that Miner entered on that lot, or at about that time, make an agreement with Miner for his cutting the timber on another lot known as lot 41, of township 27, Thorne's survey? A. No, sir.

Q. If he should swear that you did what would you say to it? A. I would say that he swore to something that was not true; I do not think Charles H. Bissell's oath would be very good.

Q. You say that the timber that was cut by Howard Bissell of township 27 was seized? A. Yes, sir.

Q. And that was timber which you paid for? A. Which I paid for?

Q. Yes; settled with the State for? A. No; I settled for that when I settled with the others; I bought that in because I claimed better title than the others — they seized it and they came up there, Garman did, and I said I claimed that timber, and I saw the only way to get it was to bid it in and then test the title afterward.

By Mr. WAGSTAFF:

Q. Was the timber put up at auction? A. I think not.

Q. How did you buy it in? A. I think I bought it of Samuel Garman, used to be forester.

Q. He was chief of the foresters, wasn't he? A. I think he was, yes.

By Mr. TEN EYCK:

Q. And then you settled that when you finally— A. Compromised

Q. Compromised and gave the State a deed of the lot? A. I gave what title I had.

By Mr. WAGSTAFF:

Q. How did you buy that from Garman, in what way? A. I think it was supposed at the time that he seized them and sold them at 30 cents a market, I think.

Q. In what way did he sell them? A. Why, I made an offer for the logs and he let me have them.

Q. Did you pay him direct? A. No, I paid direct to the Forest Commission.

Q. At the prices which you had agreed with Garman? A. No, I disputed their title; they found out that I had a better title than they did when I cancelled the lot.

Q. What action did Garman take when he seized those logs? A. I couldn't say; I understood that he seized them; of course I know nothing about it.

Q. You had conversation with Garman regarding it? A. I think I made the offer.

Q. You know whether you had a conversation with him or not? A. Yes, sir.

Q. Whereabouts was the conversation with him? A. I couldn't say; my impression was it was in Albany in the Forest Commission office I think.

Q. Had he seized the logs at that time? A. I think so, yes, sir.

Q. And what was your conversation with Garman regarding these logs? A. Well, I do not remember the conversation, but my impression was that I claimed better title to the logs than he did; and I say, "I will give you 30 cents, and if I cannot show a better title, I will pay at the rate of 30 cents a market."

Q. Did you ever pay anything for those logs? A. I paid a hundred dollars.

Q. Who to? A. To the Forest Commission or to the State Treasurer.

By Mr. TEN EYCK:

Q. Well, as I understand it, after Bissell cut those logs, Garman, in behalf of the State, seized them, but you claimed title to them? A. Yes, sir.

Q. And then you told them that you would buy them, and give them 30 cents a market if you did not have title to them? A. Yes.

Q. But if you did have title, then you would not give him anything? A. I wasn't to pay anything if I owned the lot

Q. So you made that arrangement with him; and that was to be left to the Forest Commission, and it was to be determined afterwards whether you owned the logs or not, and finally the whole matter was settled by your giving the Forest Commission \$100, and also title to what interest you had in the lots, is that it? A. Yes.

By Chairman WILDS.

Q. Thereby showing that you had no title in the lots whatever; your \$100 was paid for the trespass? A. No, sir, my \$100 was paid; we compromised, that is I let go my interest in the lot and paid them \$100.

Q. You confessed thereby that there was trespass committed on State land? A. I do not see how I did.

By Mr. TEN EYCK:

Q. The lot was worth a good deal more than \$100? A. Yes, sir; to-day I should judge that the lot was worth to the lowest calculation two dollars an acre.

Q. How many acres were there in the lot? A. Two hundred and fifty.

By Chairman WILDS:

Q. The State didn't pay you anything for that lot, did it; you paid \$100 in payment or settlement of the trespass which was alleged to have been committed? A. That was the way it was.

Q. And that trespass was committed by whom? A. I think George Miner cut the logs after those few that were cut by Howard Bissell.

Q. Where have you ever employed Martin Allen to do any timber job for you? A. Martin Allen lumbered for me last year and is still lumbering for me.

Q. Where? A. On the northwest quarter of township 21, Totten & Crossfield purchase.

Q. Do you know of his having trespassed upon the State lands adjoining the northwest quarter of that township? A. I know that he has not.

Q. Do you know George Straight? A. Yes, sir.

Q. Is he also employed upon the same lots or in that same section? A. Same quarter?

Q. Same quarter? A. Yes, sir, he was last year; he is not now.

Q. Do you know of his having trespassed on the State lands adjoining? A. I know he has not; I have been on them lines.

Q. Do you know of the timber having been cut from lots 61, 62, 63, 64, 65 and 66 of township 21, Totten & Crossfield purchase? A. I do not know of any timber having been cut except on those 25 lots on those white lots up there (indicating); and there hasn't been any cut on the State; that line has been newly run, was run before they went in there, or before they commenced operating.

Q. Have you been upon the State lots adjoining Clear pond during the last three weeks? A. At the time that I went there with you, yes, sir.

Q. Since then have you? A. No, sir.

Q. Have you made any investigation as to the cutting of timber upon lots 30, 42 and 54 adjoining Clear pond? A. Of the State land?

Q. Yes. A. There isn't any cut there.

Q. Have you made any investigation? A. I have not; there hasn't been any cutting done there since last winter.

Q. Have you ever employed Martin L. Allen upon any timber jobs upon any other lots? A. Except those 25 lots?

Q. Yes. A. No, sir, I have not; he is up there now.

Q. Where have you employed Dennis Moynihan? A. Township 28, Totten & Crossfield purchase, also on township 17 for D. W. Sherman, of Glens Falls.

Q. Have you ever employed Dennis Moynahan on any other than the lots of township 28? A. Except on township 17.

Q. Did you employ Dennis Moynahan upon the Gospel and School lot of township 17? A. No, sir, I did not; when he lumbered on township 17, he was lumbering for D. W. Sherman; I was acting as agent for D. W. Sherman.

Q. Have you ever employed Dennis Moynahan on any other lots? A. I do not think I have; we are now employed on a contract for Dr. Webb over on the other side in his park.

Q. Where have you employed Fred Rogers? A. I could not state just exactly the lot; he was to take what would come down a certain valley, that is, there is a brook there that comes down, up by the 14th.

Q. What do you mean by the 14th? A. That is the name of North river.

Q. You have employed him on what State lots in township 14? A. Not any; those lots are not State lots there.

Q. What lots have you employed him upon? A. I couldn't say; I think it was upon lot 7; I own those two tier lots there; I bought them from the State; there is only six lots in that tier, and the map shows seven; they are not numbered correctly; and also in addition to owning them lots, I and others own lot 18 and 19 and, I think, 26 and 27 that is colored red on that map.

Q. You own, then, lots — A. From 1 to 12.

Q. From 1 to 12 inclusive, also 18 and 19 and 26 and 27? A. Yes, sir.

Q. Of Leggett's survey of township 14, Totten & Crossfield purchase, which are indicated upon the Forest Commissioners' map as State lands? A. Yes, sir.

Q. When did you make that purchase? A. Well, I made it in — let me see, 1892 or the early part of 1893.

Q. Did you buy the same from the State? A. Yes.

Q. Have you employed Fred Rogers on any other lots? A. No, sir, I have not.

Q. Where have you employed Seymour Davis? A. I think he is on lot 18—no, lot 19.

Q. Of what township? A. Township 14.

Q. Have you employed him anywhere else? A. No, sir, I have not.

Q. Where have you employed William Harvey? A. William Harvey had two jobs last year; he had one on lot 26, and then he had a job—

Q. Township 14? A. Yes.

Q. And where else? A. Lot 13; three white lots up on the corner that I have since sold to the State.

Q. Thirteen, 36 and 35? A. Yes, sir.

Q. When did you sell those to the State? A. I think I deeded them to the State last spring.

Q. Have you employed William Harvey on any other lots? A. No, sir, I do not think I have; he is lumbering for me now on 27 up there.

Q. Twenty-seven of township 14? A. Yes, sir.

Q. Where have you employed Edward Berkeley? A. Upon that northwest quarter of township 21.

Q. As a jobber? A. Yes, sir.

Q. Have you employed any one else on that northwest quarter of township 21? A. No, sir—yes, I have, too.

Q. Whom have you employed? A. James Gallagher.

Q. Have you employed Edward Berkeley or James Gallagher on any other lots at any time? A. No, sir.

Q. Where have you employed Douglass Morehouse? A. On lots 36 and 37, township 11.

Q. Have you employed Douglass Morehouse on any other lots? A. Yes, sir; he is now lumbering up on that township 14 there, on what was formerly State lots.

Q. Lots 1 to 12 of Leggett's survey, township 14? A. Yes.

Q. Have you employed him at any other place? A. No, sir, I have not.

Q. Where have you employed Edward Anderson? A. Township 28.

Q. On what lots? A. On the northern part of the parallelogram; I didn't employ him—that is, he lumbered there for my brother; I let the contract—the whole contract—for my brother, and he was in there, I think, as foreman for him.

Q. In what cases other than those to which you have referred, have you, at any time, made payment of money to the Forest Commission or to the Treasurer of the State for any alleged trespass charged against you or your subcontractors? A. Well, I do not recall of any just at present; I might have paid something; I don't know.

Q. Has any person been associated with you in any of your timber contracts at the time of holding any State office or appointment? A. You mean any of the State officials?

Q. Yes. A. Or their appointees?

Q. Yes. A. No, sir; they have not.

Q. Has any forester or any other State official been at any time interested with you in any timber transaction? A. No, sir.

Q. Have you ever, at any time, paid or promised to pay any money whatsoever to any State official? A. None, except what I have paid at the Forest Commission office, and made the checks direct to the State Treasurer.

Q. Have you ever had any money transactions whatever with any State official with reference to any of your timber transactions? A. No, sir; I have not; not in regard to any State timber.

Q. In regard to any timber transactions? A. Yes—that is, I do not know what you may call—whether that would be what you would term a money transaction; I at one time made an arrangement with Col. Fox to help me sell a tract of land up there to Mr. Pruyn, and I

paid him, I think, as near as I can ascertain, five per cent. commission on the sale.

Q. Have you ever paid commission on any transaction whatever to any State official on the sale of any land to the State? A. No, sir; I have not.

Q. Or on the settlement of any alleged trespass against State lands? A. No, sir; I have not; nor in regard to purchasing any I never paid.

By Mr. TEN EYCK:

Q. Who was that Mr. Pruyn, Robert C. Pruyn? A. Robert C. Pruyn, of Albany.

Q. Is he the president of the Commercial Bank there? A. Yes, sir

Q. That was in reference to what? A. In reference to the sale to him of that lake up there.

By Chairman WILDS:

Q. Have you ever knowingly caused or permitted any trespass to be made by any of your employes or contractors upon State land? A. No, sir; I have not.

Q. Have you ever received from any State authority, forester or other official, permission to cut timber on any State lands? A. No, sir; I have not.

Q. Do you know of timber having been cut on State lands by any of your employes or contractors with the acquiescence or knowledge of any forester or other State official? A. No, sir; I do not.

Q. At any time? A. At any time.

Q. Has any forester or other State official ever endeavored to negotiate with you for the cutting of timber upon State lands? A. No, sir; they have not—except so far as I have told you, about that settlement at Albany.

Q. Have you ever known of authority or permission to have been given by any forester or other State official, for the cutting of timber on State lands? A. No, sir; I have not.

Q. To any person? A. To any person.

Q. Have you ever known of timber having been cut or taken from State lands with the knowledge or acquiescence of any forester or State official? A. No, sir; I have not; I do not know of any forester or any State official giving anybody a right to cut timber; I have heard that logs had been seized and settled for; and then they had given permission to remove; still I do not know that from personal knowledge.

Q. Have you ever had information of such permission or acquiescence on the part of any forester or other State official in reference to the cutting of timber on State lands? A. No, sir.

Q. Have you knowledge or information of any facts or circumstances in reference to trespass upon State lands at any time by any person pertinent to this inquiry? A. No, sir; I have not; I don't know any man committing any trespass on State lands; I might have heard that somebody committed a trespass; but I have no knowledge of it; I don't know anything about it; I never heard from any good authority that anybody committed a trespass.

Q. Whom have you heard of as committing trespass upon State lands at any time? A. Why, I have heard it talked up there that this man Johnston, some of those Minerva fellows had committed a trespass, but I knew nothing of it except from hearsay.

Q. Have you knowledge or information of any State official being in any way interested in any trespass committed at any time by any person on State lands? A. No, sir; I do not know of one.

Q. Or have any information of the same? A. No, sir.

Q. Have you knowledge or information of moneys having been paid by any person to any forester or other State official in reference to trespass committed on State lands? A. No, sir.

Q. Other than as you have testified? A. No, sir; I do not know of any committed.

Q. Have you ever had any transactions in the purchase or sale of timber on State lands? A. Why, I made some bids for some timber

at the time that the Forest Commission advertised for selling timber ; and they were so awarded ; and when this new land board came in they rejected them.

Q. Did you ever know of the Forest Commissioners selling the timber on State lands ? A. Only so far as the sale they awarded, but the land board rejected.

Q. Did you ever know of the Forest Commissioners ever at any time selling timber on State lands ? A. No, sir ; I do not, because those bids fell through, that is those sales fell through.

Q. No sales of timber on State lands by the Forest Commissioners or by the land board, or by any State authority, were ever made then so far as you have knowledge or information ? A. No, sir ; they were not so far as I know.

Q. That is what I say ; didn't I understand you some little time ago to say that you bought some land from the State ? A. Yes, but that was outside of the park limits, but I understood the chairman to talk about timber inside of the park ; oh, yes, I bought some lands.

Q. Did you buy the timber on State lands ? A. I bought the land and timber.

Q. That is different. A. Outside the park.

By Mr. WAGSTAFF :

Q. You pay to the party to whom you let the contract a less price per market for the timber which he cuts near the stream, and a greater price for that which is further away from the stream and less accessible ? A. Yes, but there is sometimes if you have a lot which is close by the stream that has a mountain on, that will cost you more than a lot further back that is not on a mountain—that is on nice level ground.

Q. Now, before you pay him for the timber which he has cut, do you go upon your lot to ascertain whether he has cut that timber from near the stream or from further back from the stream, so as to ascertain what price you are to pay him for the logs ? A. Well, if he is a

responsible man, you take his word; and if he is not, you send on somebody, send on one of my men; that is I pick out somebody that I think is trusty, and I send them over the lot.

Q. Is it customary for you to send somebody over the lot before you pay? A. No, sir; the man that we sell logs to send on their agent to scale those logs or measure them; and he would report sometimes; if I should happen to see him, I would ask him if that man cut his timber clean, or if he put his logs up in good shape, something like that.

Q. Now, if you let a contract upon land which you own, and which may adjoin State lands, are you careful to examine and see whether the man has cut over on to the State lands or not before you pay for your logs? A. We are very careful to tell him that if he cannot find the lines that we will send in a surveyor there to run them.

Q. But in case he makes no request to you whatever, you do not make an examination to ascertain whether he got those logs from State lands or not? A. He is not supposed to cut them, because the man has got no object in cutting logs off from State land and putting himself in jeopardy.

Q. Do you make any examination to ascertain that fact? A. No, because if I kept a man to watch those fellows, there wouldn't be enough in the timber to pay.

Q. You make a contract with some of the mill owners to deliver them a certain number of logs? A. Perhaps I go to them and say I think I have got twenty-five thousand or thirty thousand, I put a leeway, in case my men should not get as many logs in in case the snow should come on early.

Q. Then you sell this timber to these mill owners before you have had it cut? A. Not always, no, sir; I haven't sold a log now, and I have got quite a number cut.

Q. But in many cases you sell the timber before it is cut? A. No, not unless I get hard up for money.

Q. Is the timber invariably cut before you sell it to these mill owners? A. Yes, sir.

Q. And they know where it comes from? A. Yes, sir, and they are very particular to inquire where it comes from.

Q. You never make a contract one year agreeing to deliver in the following year? A. No, sir, they do not usually buy that way; they usually buy that season's stock; they do not know whether they will get their logs in that coming spring or not.

Q. Well, in making your contract with the jobbers, you agree to pay them so much a market log which they cut and haul from the land you may designate? A. Yes, sir; we usually pay them so much when they have got them on the skids and the road cut, and the balance when they are delivered; we hold back a certain amount until those agents come up and see that the logs have all been hauled on to the stream; that is their business, because they won't pay us until after they have looked the ground over and see whether all the logs that have been measured have been hauled to the stream; if the fellow don't get the best of us we generally hold back a small sum.

By Mr. TEN EYCK:

Q. Then, as I understand, the logs are measured before they are hauled to the stream? A. Yes.

Q. And you are paid by the person with whom you contracted on that measurement? A. Yes, they furnish their own measurer; we have nothing to do with the measure; and if we are dissatisfied we can send on a man to measure.

By Mr. WAGSTAFF:

Q. Then, if the person to whom you let the contract is not honest, it is to his pecuniary advantage to cut as much timber as is possible which is nearest to the stream, and to charge you, as far as it may be, with timber that is not so accessible; wouldn't that be so? A. That

may be so for him ; but those men wouldn't measure those logs ; those men that come on would not measure those logs.

Q. They would not measure them ? A. No, sir.

Q. Why not ? A. Because they would get information from somebody that it was on State land, and they won't have anything to do with logs that are cut over on State lands ; they will want to know that you actually own those lands.

Q. Do they always ascertain that fact ? A. Yes, sir.

Q. Before they purchase the logs ? A. Yes, sir.

Q. Why are they so careful to ascertain from whence those logs come ? A. Because they want to avoid any trouble with reference to some one coming on later and taking the timber.

By Mr. TEN EYCK :

Q. The State can follow the logs ? A. Yes, sir, just the same as an individual.

By Chairman WILDS :

Q. When you made your contract with Wakeley for the cutting of timber from township 11, Totten & Crossfield purchase, did he contract to deliver to you a definite number of market logs ? A. No, sir, he did not ; he was to cut the timber on those lots that I had named.

Q. Did he not contract to cut, pile and draw 5,000 market logs ? A. I do not think he did.

Q. If he should so testify, what would you say in reference to that statement ? A. If he so testified ?

Q. Yes. A. There might have been a given price wherein he might have got that many logs that year ; there are certain of those lots that I might have given him more money because the interest and the taxes amount to—

Q. What was the fact in reference to your contract with Mr. Wakeley ? A. Well, I couldn't state.

Q. Didn't you contract with him for his cutting, piling and drawing 5,000 market logs in 1892 ? A. On lot 33 and 35 ?

Q. On lots of township 11? A. Well, I do not remember of any such agreement, I do not call it to memory now.

Q. Do you say that you employed him in 1892 on lots 33 and 35? A. I do not know whether I did on 35 or not, I couldn't say as to that; I know he had a contract on lot 33, 35, and a portion of 36, I think.

Q. Well, his testimony is that his contract with you was for the cutting of timber on lot 32 or 33, which one he didn't know? A. I didn't own lot 32, and consequently I didn't let him the logs on it; I let him the logs on lot 33.

Q. And 33 had all been lumbered; that was known as the Sawyer clearing? A. I think the greater portion of all the lots in township 11 has been lumbered years ago.

Q. And 33 is known as the Sawyer clearing? A. Yes.

Q. And it is a cleared lot? A. I guess probably five or ten acres of it from the 300 acres, possibly ten acres.

By Mr. TEN EYCK:

Q. And all the rest of it was timber? A. Yes; there was a little bit of a clearing, had a log hut on it, log shanty.

Q. And was that what was called the Sawyer clearing? A. Yes, sir; they call it a clearing up there if some man has built a camp.

By Mr. WAGSTAFF:

Q. Do you understand that the measurers of the logs report all the trespasses that they discover? A. I think that is the intention, yes, sir; they won't measure any logs if they find out there was any trespasses committed; they measure what logs were on those certain lots that you have sold them and no more.

Q. Why is it that they are so careful? A. Well, to avoid trouble; they buy the timber on certain lots, and to avoid any trouble in paying for them, they pay for just what they buy; if a man should cut a thousand market logs you should give a man a thousand market logs

on State land, I bet you could not dispose of them to any lumber concern on the Hudson river, or on the other side either, without they would get a written agreement from you that the timber was actually belonging to those parties.

Q. Is the timber always measured upon the lots near where it is cut?

A. Yes, sir, without that you should cut a few logs after you get done jobbing, and haul them on the bank of the stream, possibly they might send their measurer on and measure those few logs; they do not like to do it because it is too expensive.

Q. They are not generally hauled to the bank then before measuring? A. Oh, no, they are measured on the lots, generally speaking; the intention is to have the logs all measured at the time you want to commence hauling.

By Mr. TEN EYCK:

Q. So that when a measurer goes up, he knows right where he is measuring the logs? A. Yes, sir, they are supposed to know; they get that instruction.

By Mr. WAGSTAFF:

Q. Is it possible for the State officials to follow the logs after they are put into the river and ascertain from what locality they came? A. Well, if there were a trespass on a State lot alone, of course they would find out how many logs that man measured and then find out the man that had them and make him settle, if the man that put them in was not responsible.

Q. Suppose a trespass on State lands adjoining private lands and the logs were hauled and all put into the river together, would it be possible for the State officials to ascertain from what lot those logs came? A. Well, I presume, they couldn't separate the logs out; but, as I understand, in one case they had a dispute with Turner at Potsdam, and they seized the whole drive.

Q. They didn't hold them, did they? A. I don't know how the suit did terminate; I lost track of it; it went into the courts.

Q. So that if a measurer wished to be dishonest and measure logs which came from State lands and which were mingled with logs coming from private lands, it would be impossible for the State to ascertain whether the logs came from State lands or private lands? A. Well, it wouldn't be any object for a measurer to be dishonest.

Q. No, but would it be possible? A. Well, that I couldn't say; possibly if there was a lot adjoining there and he didn't know, he might measure them.

Q. Even if he knew and measured them, knowing that they came from State lands, but they were all hauled into the river and put in with other logs coming from private lands, the State officials could not ascertain which logs or whether any of the logs came from State lands? A. Well, they could ascertain, I presume, by going on to their lots and finding out how many could be cut.

Q. By going upon the lots themselves, they could ascertain, undoubtedly, that some logs had been cut from State lands; but if they were not informed of that fact by the measurer, it would be impossible for them to identify the logs that were put in with other logs? A. Yes, but the man would be discharged, and he would not have employment from any other company if he was found to be doing that kind of business; he is only receiving a salary; we do not allow any of the company, or anybody that is connected with the company, to measure logs; it has to be a disinterested party that they employ.

Q. If it was any advantage to the measurer of the logs not to report the same, it would be impossible for the State to ascertain where those logs came from? A. Possibly, without somebody found out; I don't know anything about that; but I never heard of a case like that, wherein a measureman — the first thing you know, the measurer would write to his company that there was a trespass committed up there, and he would be called home; he wouldn't measure the job.

Q. It depends, then, largely on the honesty of the measurer? A. And of the company themselves; the parties concerned; it is not any

object for anybody to steal any timber or take any from anybody else's property, for you don't know what the consequences would be afterwards.

Q. Then you think the measurer would report it because it would not be any object to him not to do so? A. I think he would, yes.

Q. If it was an object to him not to report the logs as coming from State lands, the trespass might be committed and never known? A. Well, I don't know how that would be; I presume it would be found out; somebody would find it out.

By Chairman WILDS:

Q. It has been testified before us that the cutting of timber by John J. Wakeley, under your employment in township 11, Totten & Crossfield purchase, was done on both sides of the Sacondaga river, northerly, easterly and westerly from the Sawyer clearing, extending about one and a half miles, easterly, from the Sacondaga river by Diamond Mountain brook; were you aware of that fact? A. Well, I don't know just how far the lots extend up there; the lots are somewheres between a half and three-quarters of a mile wide, I think.

Q. Easterly of the Sawyer clearing lies lot 32; westerly, lot 34; northerly, lots 15, 16 and 17, all State lots; those are the lots upon which the testimony shows that the timber has been cut by John J. Wakeley? A. No, sir; I know nothing of it any further than I have testified.

Q. Have you ever been upon any of those lots since your contract with Wakeley was made? A. I went over there last year when I let this man Morehouse a contract.

Q. The description which I have given to you is, if I remember rightly, taken from Wakeley's own testimony? A. Well, I have testified all that I know in regard to the trespass; I don't know anything further than I have testified.

Q. And that testimony is confirmed by Morehouse, also? A. Well, I can not help that; I don't know anything further than I have testified in regard to the matter.

By Mr. TEN EYCK :

Q. Did you ever direct or authorize, either directly or indirectly, or suggest to Wakeley or Morehouse to go in and cut timber from any State lands in that vicinity or any other place? A. No, sir, I did not.

By Chairman WILDS :

Q. Wasn't your contract with Wakeley for the cutting of timber in that township—township 11—for a definite number of market logs?

A. Well, so far as related to my lots was concerned.

Q. Did you not contract with him for his delivery to you of 5,000 market logs from lots of township 11? A. My lots, if they were on the lots; I didn't let him any lots, directly or indirectly, or no logs on State lands, or any other man either, on township 11 or any other township in the Adirondacks.

By Mr. TEN EYCK :

Q. In the Forest Preserve or any other place? A. In the Forest Preserve; yes, sir.

Q. Or any other place? A. Or any other place, except so far as I own these lots that I bought of the State; when I bought them and got a deed of them they were mine; they were outside of the Forest Preserve.

Q. You owned them and they were not State lots? A. I owned them; yes, sir.

By Mr. WAGSTAFF :

Q. Do you find those measurers invariably honest? A. Well, we invariably have a dispute with them—the jobbers do; they really think sometimes we have been stinted on the measure, but we have measured over and found them correct.

Q. Do you ever find they lay in with the jobbers and report a greater number of logs than have been cut? A. We find right the reverse; the jobbers claim that they measure too much for the company; that is, what they mean by that is they take more half inches than they give.

Q. You never found a case where they were trying to get any advantage of you by reporting a greater number of logs as being cut than was actually cut by the jobber? A. Well, I don't know as I know of any case; I don't know anything about it; in fact I don't have but very little to do with the measurer any way; if I meet one, I ask them a question; last year there were two or three measurers I didn't see all winter.

Q. Don't you rely upon their measurement when you pay jobbers for the logs cut and hauled? A. Yes, sir; if I find the logs credited to me on the books, I settle.

Q. You never investigate to ascertain whether the measurement is correct or not? A. No, sir.

By Mr. TEN Eyck:

Q. Now as I understand it, Mr. Moynahan, when you make a contract with a jobber to cut logs from your land, you sell the logs to some lumber dealer and the lumber dealer then sends a measurer to measure those logs, and he pays you upon—that is, the lumber dealer pays you for the number of logs that the measurer reports to him have been cut; and then upon that measurement, or upon the number of logs that you are paid for, you pay the jobber; is that right? A. Yes, sir.

Q. So that there is no way by which the jobber could deceive you out of any logs cut unless he laid in with the lumber dealer who bought the logs from you and also the measurer; is that it? A. Well, that would be the only way that I could see.

Q. In other words, you only pay the jobber for the number of logs that you are paid for when you sell to the lumber dealer? A. Yes, sir; that is the case.

By Mr. ELDRIDGE:

Q. When you settle with the jobber, you settle with him from the figures left by the lumber dealer's measurer? A. Yes, sir.

By Mr. TEN EYCK :

Q. And if you dispute the lumber dealer's measurer, then you have a right to get another measurer and go in and remeasure? A. You can do it if you choose, but the marks are on the logs.

Q. And very rarely a case occurs where you have a dispute with the measurer ; is that so? A. Yes ; we have got the marks on the logs and know who the logs belong to ; then if we don't like the measure, we need not sell another year.

Q. Now you say that Martin L. Allen is now working for you? A. He has got a contract up there on the northwest quarter of township 21.

Q. Do you know whether he has been subpœnaed here as a witness? A. I don't know as he has ; I offered to subpœna him if I got the subpœna.

Q. And you asked the committee to subpœna him before the committee? A. I think I did.

Q. Did you go with the committee up on Clear pond this summer, or with some members of the committee? A. Yes, sir.

Q. Did you then offer to take the committee all around the vicinity of Clear pond and in the vicinity of the pond and to show the committee whether any cutting had been committed there? A. I think I did.

Q. Have you ever owned any timber growing on land other than that which you have testified, without owing the land? A. Yes, sir ; I own the soft timber on state lots in township 22 and township 50.

Q. Is that all. A. That is all ; there are several thousand acres there, I think ; that is all.

Q. What was this that you sold to Pruyn ; was it lumbered or unlumbered land? A. All lumbered.

Q. All had been lumbered? A. Yes, sir ; the same quality of land that the State recently purchased of me last week — I have not conveyed it yet — except that that has got the hemlock on and this has not.

Q. Well, is that common or customary for people to buy the timber and not the land, while it is growing? A. Oh, yes, on a great many pieces; I sold the timber on lot 3, township 30, to Finch, Pruyn & Co., the other day.

Q. So that it is common in that country to sell the timber and reserve the land? A. Yes, sir.

Q. And, on the other hand, to sell the land and reserve the timber? A. Yes; I sold Mr. Pruyn some land and reserved the timber, — R. C. Pruyn of Albany. I had two or three years to remove it in.

Committee adjourned subject to the call of the chairman.

UNITED STATES HOTEL,
SARATOGA, N. Y., *September 18, 1895.* }

The committee met pursuant to adjournment.

Present — Chairman WILDS, Messrs. WAGSTAFF, ELDRIDGE and TEN EYCK.

TUFFIELD D. DEPAN, being duly sworn, testified as follows:

By the CHAIRMAN:

Q. Where do you reside? A. Indian Lake.

Q. What is your business? A. Merchant.

Q. In what? A. In the mercantile business.

Q. Do you do any lumbering? A. Some.

Q. Have you ever done any lumbering on township 32 of the Totten & Crossfield purchase? A. I let a job there.

Q. When? A. That was two years ago last fall.

Q. Eighteen hundred and ninety-two or 1893? A. Eighteen hundred and ninety-two, I think it was; yes.

Q. On what part of township 32 of the Totten & Crossfield purchase did you lumber? A. On the Hall land; I took the job from Mr. Moynehan.

Q. I say, on what part of that township did you lumber? A. On the A. C. Hall land.

Q. Will you by reference to the map indicate upon what part of township 32 you lumbered? A. I could not tell you, because I never was over it.

Q. You never were upon township 32? A. Not upon the land they lumbered.

Q. Did you ever lumber at any other time than that you now refer to? A. I paid for the lumber.

Q. When? A. Several years ago.

Q. More than five years ago? Q. Yes—six or seven years ago, or eight or nine.

Q. Calling your attention to the Gospel and School tract of township 32, Totten & Crossfield purchase, will you state whether or not your lumbering was done on that tract? A. That is where I supposed it was done.

Q. Why have you not identified that as the place where your lumbering was done? A. I supposed that every one knew where the land was; the men that I sublet the contract to I supposed did.

Q. Who did you let that lumbering job to? A. Hosea G. Locke, of Indian Lake.

Q. Was all the work of lumbering upon Gospel and School tract of township 32 done by Hosea G. Locke? A. I could not answer that question.

Q. Did you have anything to do yourself with the cutting, skidding or hauling of timber from township 32? A. No, sir—I did not haul any.

Q. Or skid it? A. No, sir.

Q. Or cut it? A. No, sir.

Q. Was all the lumbering then that was done on that tract done by Hosea G. Locke and his men? A. I could not answer that question; I don't know but there were other parties lumbered there.

Q. When? A. I could not say.

Q. Did you take the contract to lumber over that tract from anyone? A. Yes, sir.

Q. From whom? A. From Mr. Moynehan.

Q. What was your contract? A. I was to get a dollar for putting in the logs.

Q. Did you agree to lumber the whole tract? A. I agreed to lumber what I could get of it.

Q. Could you not get the whole tract? A. We got all we could get; that is, what they told me I could get.

Q. How much of that tract did you lumber over? A. I do not know.

Q. How many markets of timber did you take from that tract? A. That I could not answer.

Q. Why not? A. Because I never got the figures from the office.

Q. Do you know approximately? A. I understood about twenty-eight hundred markets.

Q. Of what kind of timber? A. It was supposed to be spruce, pine and ash, or balsam; I think they took the balsam.

Q. Did you ever go upon that tract during the time of the lumbering there by Hosea G. Locke, under his contract with you? A. No, sir.

Q. What was your contract with Hosea G. Locke? A. I was to give him 90 cents a log to put the logs in the river.

Q. What title or interest did Pat Moynehan have in the timber upon that Gospel and School tract? A. I don't know.

Q. Did you ever sell any title or interest in that timber? A. No, sir.

By Mr. TEN EYCK:

Q. Only as you took your contract from Moynehan? A. Yes, sir.

By the CHAIRMAN:

Q. Did you know at the time of your lumbering there that that was State land? A. No, sir.

Q. When did you first learn that fact? A. I never learned that fact.

Did you at the time of your contract with Moynehan for lumbering upon that tract agree also to lumber upon any other tract? A. Yes, sir.

Q. Where? A. Township 17.

Q. Upon what part? A. The Hall lots.

Q. Why do you call them the Hall lots? A. Because Mr. Hall owned them, or claimed to own them; he had lumbered them.

Q. Wasn't it upon the Gospel and School tract of township 17? A. I don't know as it was Gospel and School tract; it was land that Mr. Hall lumbered.

Q. Will you by reference to the map tell me whether or not it was upon the Gospel or School tract of township 17 that you lumbered? A. I could not say.

Q. Did you not contract with Pat Moynehan to do the lumbering upon the Gospel and School tract of township 17? A. No, sir.

Q. If he should have testified that you did, what would you say to that? A. I don't remember of having any such conversation as that.

Q. By reference to the map then will you tell me what lots you lumbered upon and describe their location? A. I could not describe them.

Q. Where were they located in that township? A. I could not tell you.

Q. Did you do the lumbering upon the tract of township 17 where you did any lumbering, yourself? A. No, sir.

Q. Who did it? A. Mr. Brooks.

Q. Joel Brooks? A. Yes, sir.

Q. And how many acres were cut over? A. I don't know.

Q. How much timber was taken out? A. I don't know.

Q. Approximately? A. Well, sir, there was 1700 markets, what they told me; but Sherman 'told me there was some cut on his

land; it was never definitely decided and I could not tell whether it was on the Hall land or Sherman land that was lumbered.

Q. How was the land located for you where your lumbering was done on township 17? A. It was not located; only known as the lots that Hall lumbered.

Q. When? A. Years before.

Q. Who owned the land all around where you lumbered? A. I do not know; it was supposed to be Sherman's.

Q. Have you as definitely located the land as you can; can you not give me the numbers of the lots of township 17 where you lumbered? A. No, sir.

Q. Can you not by reference to this map? A. No, sir; I am not a surveyor and I can't tell.

Q. Where was the timber delivered? A. Cedar river.

Q. Was the lumbering on township 17 done by you under your contract with Pat Moynahan all done during the year 1892? A. I think that was the year; I would not be positive.

Q. What was the terms of your contract with him? A. The same as I have stated before.

Q. Please state definitely what the terms of your contract were with him in reference to township 17? A. I was to get \$1.10 and \$1.05 for the logs.

Q. What logs; definitely state the matter so that anybody will understand? A. The logs that I cut on the Hall land.

Q. You were to get \$1.10 for some and \$1.05 for others? A. Yes, sir.

Q. For what logs were you to get \$1.10 and \$1.05; you are an intelligent man and can answer my question more specifically? A. There was some logs on the mountain and some logs in the valley — is that the way you want me to answer it?

Q. Your answer is not an intelligent one and I think you are quite well aware of it that no one would know from this record what the

terms of the contract were? A. I will explain; the logs on the mountain have to be bobbed down, and it costs more to get them out than it does on the flats.

Q. If Pat Moynahan should have stated that you lumbered for him on the Gospel and School tract of township 17 you will assent to that fact? A. I don't know what Gospel and School lots you refer to.

Q. He has testified that he made a contract with you that you should lumber on the Gospel and School lots of township 17? A. I didn't know as they were Gospel and School lots — it was the Hall lands.

Q. You did not know there were lands known as Gospel and School lands? A. I did, but I did not know that they were the Gospel and School lands.

Q. Did you ever hear them described by any other name than the Hall lands where you lumbered on township 17? A. No, sir; I always knew them as the Hall lots.

Q. Why then have you been so systematically avoiding any admission that you lumbered on the Gospel and School lots of township 17? A. I don't know to-day that they were the Gospel and School lots.

Q. You have known of them as so called? A. Yes, sir.

Q. Have you ever known of any other lots described as the Gospel and School lands on township 17 other than those that you lumbered? A. I don't know any lots that I lumbered on.

Q. I don't understand your answer? A. I could not tell you the number of the lots I lumbered on.

Q. They were in the center of the township? A. I don't know whether they were or not; I am not a surveyor.

Q. Who located the lands for you where you lumbered; who took you in upon the lands? A. Nobody.

Q. Who went in with you? A. Nobody.

By Mr. WAGSTAFF:

Q. Do you mean to say that you cut the logs without regard to the lines? A. No, sir; Mr. Brooks knew where the Hall lots were; I knew from what people said where they were; the men that lumbered for me knew where Hall had lumbered.

Q. Now where did you know the Hall lands to be? A. Across from Cedar river back of my place.

Q. How far? A. About a mile and a half.

Q. Do you mean where you live? A. Yes, sir.

Q. Have you lived there some time? A. About sixteen years.

Q. You were familiar with the land known as the Hall lots? A. I never have been upon it.

Q. And still it is but a short distance from where you have lived for the last sixteen years? A. Yes, sir.

Q. What instructions did you give Brooks when you let the job to him? A. I let him the job on the Hall lots, where Hall lumbered before.

Q. Do you know the township where the Hall lots are in? A. It is supposed to be 17.

Q. Do you know it is 17? A. I would not swear to it.

Q. Do you live in township 17? A. Yes, sir.

Q. Why would you not swear that those lots were in 17? A. Because I have never had the lines run.

Q. It has been known as the 17th township to you always? A. Yes, sir.

Q. And near what portion of the township do you live; near the center or near the sides? A. I live on the highway on lot 79—what they call 79.

Q. Well, now, in what direction from 79 are the points of the compass to the Hall lots? A. I should think it to be northwest.

Q. About how many miles northwest from where you live? A. Perhaps a mile and a half, perhaps two miles; it may be a little fur-

ther; the way the roads run I think it is further than that, but across it is about a mile and a half.

Q. What road do you refer to? A. The road to Blue Mountain lake.

Q. Have you ever travelled that road yourself? A. Yes, sir.

Q. So you have crossed these lots that Hall has lumbered — does the road cross the Hall lots? A. No, sir.

Q. How near to the Hall lots does it run? A. I could not say.

Q. Do you suppose Brooks knew where the Hall lots were? A. He claimed he did.

Q. You let him the contract on the Hall lots? A. Yes, sir.

Q. Of township 17? A. Yes, sir.

Q. How large were the Hall lots where you lumbered? A. I have understood that there were 1,200 acres in it.

Q. Do you know whether Brooks went on and lumbered on the Hall lot or not? A. I don't know whether it was on the Hall lot or Sherman lot.

Q. As a matter of fact you don't know where he got the timber from? A. No, sir.

Q. How many markets did Brooks get out for you under the contract? A. Seventeen hundred.

Q. And you don't know where they came from? A. No, sir.

By Chairman WILDS:

Q. Did you not go with Joel Brooks upon the lots? A. I told you both I had not.

Q. If he had testified that you had, what would you say to his statement? A. I would say that I had not.

Q. Will you state that you were not at any time upon the lots where that timber was taken from? A. I could not tell you whether I was upon those lots or not; I have travelled through the woods.

Q. Were you upon the lots at the time of the work? A. I was upon the land; I don't know whether I was upon those lots or not.

By Mr. WAGSTAFF:

Q. Would you be willing to pay Brooks for logs cut upon lands on which you had no authority to cut? A. I did pay for the lot of logs he cut.

Q. If he cut those logs off of lots other than the Hall lots, would you be willing to pay him for them? A. No, sir, not if I knew it.

Q. You did not inquire where he cut the logs from? A. Yes, sir.

Q. If you inquired what did he tell you? A. He told me it was on the Hall lots.

Q. You have just testified that they came from the Sherman lots? A. Well, Sherman claimed that there were some of them cut from his lots.

Q. Do you believe that all the logs that you bought came from Sherman's lots? A. No, sir; I do not.

Q. What lots do you believe they came from other than Sherman's lot? A. I think, some of them came from the Hall lots.

By Chairman WILDS:

Q. Why do you persistently call them the Hall lots when you know them to be the Gospel and School lots of township 17? A. I think, that is what they are called; I have heard them called that.

Q. Where else have you done any lumbering for Pat Moynehan? A. On township 11.

Q. Upon what lots of township 11? A. Lot 33; I think, that is the number.

Q. And only upon lot 33 of township 11? A. That is all I know of.

Q. When did you lumber upon that lot? A. This is the same fall that I lumbered on those other lots.

Q. That is 1892? A. I think, it is 1892; I would not say for certain.

Q. What was your contract with Pat Moynehan in reference to that lot? A. I bought the lot from Moynehan and I was to have half over and above what it cost for putting in the logs.

Q. What did you pay Moynehan for the lot? A. I did not buy the lot of Moynehan.

Q. I thought you said you bought it of Moynehan? A. I bought it for Moynehan.

Q. You bought lot 33 of township 11 of the Totten & Crossfield purchase for Moynehan? A. Yes, sir.

Q. From whom? A. A man by the name of Stone.

Q. How much did you pay for that lot? A. I think six hundred dollars was the price agreed.

Q. How many acres were in that lot? A. That I could not say exactly; I think it was three hundred acres, though.

Q. How much of that lot had been cleared? A. That I do not know.

Q. Do you know of that lot or any part of that lot being known as the Sawyer clearing? A. No, sir.

Q. You never heard it so described? A. No, sir; I took a surveyor in there, a man who pretended to know—Mr. Richards and he located the lot to the right of the Sawyer clearing.

Q. Did any stream run through the lot? A. Yes, sir, there was a small stream run part way through.

Q. And known as Diamond Mountain brook? A. I think that is the name they call it.

Q. Running into the Sacondaga river? A. They told me it ran into it; I never was to the mouth of it.

Q. How much timber did you take from lot 33? A. I do not know exactly; I never got the figures from the office.

Q. As near as you can state? A. I understood there were 4,557 markets.

Q. And do you state that that number, so exactly given by you, was taken from lot 33 of township 11? A. Do I state that it was?

Q. Yes. A. No, I do not.

Q. Were you upon the lot during all the time that the cutting of timber there was going on? A. No, sir.

Q. How much of the time were you there? A. I was there when I first let the job.

Q. To whom did you let the job? A. John J. Wakeley.

Q. What was your contract with John J. Wakeley, with reference to that lot, or any lots in that neighborhood? A. I did not have any contract for any other lots—only that.

Q. Will you state what your contract with him was? A. I told him I would give him \$1 for the first 2,000 markets, and \$1.10 for whatever there was over and above that.

Q. Did you go upon the land with Mr. Wakeley? A. Yes, sir.

Q. Anyone go with you? A. A surveyor went with me.

Q. Who is the surveyor? A. Mr. Richards.

Q. Harry Richards? A. Yes, sir; I think that is his name.

Q. Of Olmsteadville? A. Johnsburgh Corners is the place where the man lives, I think.

Q. Do you know where the timber was cut by John J. Wakeley from any lots of township 11? A. No, sir.

Q. Were you upon the lots where the timber was cut by him? A. What do you mean—before the cutting?

Q. During the job? A. No, sir.

Q. Or after the job? A. No, sir.

Q. If he should state that, under the contract, he lumbered on both sides of the Sacondaga river, northerly, easterly and westerly from the Sawyer clearing, extending about one and a half miles easterly from the Sacondaga river up Diamond Mountain brook, what would you say to that? A. I don't know anything about his statements.

Q. And if he states that his cutting was done upon lots 32, 33 and 34, embracing the lots northerly, easterly and westerly from the Sawyer clearing, what would you say to that? A. I don't know anything about his statement.

Q. Do you know or have you any information as to the timber which he cut and delivered to you being taken from lots 15, 16 and 17, 32 and 34 of township 11? A. No, sir.

Q. Have you ever been upon those lots? A. No, not as I know of; I don't remember of ever being there.

Q. Well, you must have gone on those lots in order to have reached lot 33, or upon some of those lots? A. Yes — as I told you before, I could not tell you whether they were those lots; I know we came in from the road.

Q. You know of lot 33 being entirely surrounded by State land? A. No, sir, I do not know.

By Mr. TEN Eyck:

Q. Do you know those lots from the numbers given you by the surveyor? A. No, sir.

Q. From the mere numbering of them? A. No, sir.

By Chairman WILDS:

Q. And you have never heard of them before? A. Not that I can remember; I might have heard of them.

Q. Did not John J. Wakeley contract to deliver to you 5,000 markets from township 11 of the Totten & Crossfield Purchase? A. No, sir, he contracted to deliver to me whatever logs were there.

Q. If he shall have testified that his contract was to deliver to you 5,000 market logs from those lots, what would you say as to his statement? A. I would say that he was mistaken, because I did not know that there was a certain amount on them.

By Mr. TEN Eyck:

Q. On what? A. On lot 33.

By Chairman WILDS:

Q. What examination did you make as to the timber upon lot 33 of township 11? A. Well, I went through it I suppose with a surveyor.

Q. Did you count the trees? A. Some of them, yes.

Q. Did you count those which you proposed to have cut? A. Yes, sir.

Q. And how many did you find there was standing on those lots?

A. I did not go all over the lot; I did not have time.

Q. How much of the lot did you go over? A. I could not tell you; a man traveling through the woods can't tell.

Q. You are accustomed to the woods, are you not? A. Not much; I have been in the woods some.

Q. Have you not been in the woods a great deal? A. Not a great deal, no.

Q. How many trees did you estimate there were of marketable timber upon lot 33? A. I did not make any estimate.

Q. And you have no knowledge or information then as to the number of trees of marketable timber upon those lots? A. No, sir, only what they told me.

Q. Who told you? A. Wakeley told me.

Q. How many did you say there were? A. Four thousand or something like that.

Q. Did he give you an estimate as to the amount of timber upon that lot before the cutting was done? A. That I could not say whether he did or not; I think he told me it was a good lot and that is the basis I made the prices that way—I would give him for the first 2,000 a dollar and for anything over and above that I would give him a dollar and ten cents; he was in Albany when I talked of buying the lots and he came up with me to see the man.

Q. What was the reason of your contract with him being made upon those terms? A. Because he went with me to see the man and helped buy it.

Q. What is the reason you gave him a dollar for the first 2,000 markets and a dollar and ten cents for all over that? A. Because a dollar would cover the expense of the lot.

Q. How do you make that out? A. Well, getting a dollar and forty cents for the logs would leave forty cents and that would cover the expense of the lot.

Q. Did you you get a dollar and forty cents for the logs? A. That is what Pat Moynehan told me he got for them.

Q. Do you know? A. He told me so.

Q. Were you interested in it? A. I was to have half the avails.

Q. Have you ever had a settlement for it? A. No, sir.

Q. That was three years ago? A. Yes, sir.

Q. Were the logs delivered? A. Yes, sir.

Q. Why haven't you had a settlement? A. We have got a book account running for years.

Q. Do you know how much is due to you for the timber upon those lots? A. No, sir.

Q. Have you ever made any examination to ascertain how much would be due to you for the timber or your interest in the timber on lot 33 which you claimed? A. No sir; I never did.

Q. Did you have any interest in the timber cut from the Gospel and School tracts to which I have referred on townships 32 and 17? A. Only as I have just told you.

Q. Were you in partnership with Pat Moynehan on those jobs. A. No, sir.

Q. What was done with the timber cut, skidded, hauled and delivered by John J. Wakeley for you? A. I suppose it went down the river.

Q. Where did it go to? A. To Glens Falls, I guess.

Q. To whom? A. To the Thomsons.

Q. Lemon Thomson? A. Yes, sir.

Q. Who measured the timber that was cut by Wakeley? A. That I could not say.

Q. Have you any information on that subject at all? A. No, sir; I have not.

Q. What marks were put upon the timber? A. I do not know.

Q. Have you no information upon that subject? A. No, sir.

Q. Is it not usual to put the mark of the one to whom the timber is to be delivered? A. I have seen marks on logs, yes.

Q. Is it not usual to mark the timber with the sign mark of the one to whom the timber is to be delivered? A. That is what they do, yes.

Q. When the logs are put in the river? A. Yes.

Q. Don't you know what marks were put upon that timber? A. No; there were too many marks; I don't know one mark from the other.

Q. Was all the timber delivered to Lemon Thompson? A. No, I think there was some on 17 to Sherman.

Q. What Sherman do you refer to? A. D. W. Sherman.

Q. Of Glens Falls? A. Of Glens Falls, N. Y.

Q. Was all the timber which was cut by Hosea G. Locke under his contract with you from the Gospel and School lot of township 32 delivered to Lemon Thomson? A. I do not know as it was delivered there or not; it was supposed to.

Q. It was sold to him? A. That is what I understood.

Q. For how much? A. At \$1.40 a market log.

Q. There were about three thousand markets? A. I understood it to be 2,800 markets.

Q. Was all the timber cut by Joel Brooks at your instance from the Gospel and School lots of township 17 delivered to Lemon Thomson?

A. I didn't know as they were the Gospel and School lots — not all the timber, because some of it Sherman claimed.

Q. You began your answer by saying you did not know it was Gospel and School lots, and yet you have admitted repeatedly that the lot where you lumbered was known as the Hall lots and the Gospel and School lots of township 17? A. You told me they were the Gospel and School lots.

Q. You are mistaken; you have told me that they were so called?

A. Yes, sir; I have known them as the Hall lots.

Q. To whom was the timber delivered that was taken from township 17 lots? A. Well, some to Sherman and some to Thomson.

Q. How much to each? A. That I could not tell you.

Q. Were their marks placed upon the timber? A. I do not know.

Q. Where else have you done any lumbering? A. Oh, different places there on 15.

Q. I desire a definite answer? A. On the 15th township.

Q. Where is the 15th township to which you refer? A. That is the township where McGinn lives on.

Q. Have you ever done any lumbering on any lots of township 26? A. No, sir, not as I know of.

Q. Of the Totten & Crossfield purchase? A. No, sir.

Q. Have you ever done any lumbering on any of the lots of township 16 of the Totten & Crossfield purchase? A. No, not on township 16.

Q. Have you ever had any transactions in the purchase or sale of timber, standing or cut, on any of the lots of townships 16 and 26 of the Totten & Crossfield purchase? A. No sir, I do not know anything about township 16 or 26.

Q. Have you ever had any interest in any lumbering done upon any of the lots of township 27 of the Totten & Crossfield purchase? A. No, sir.

Q. This is, never at any time? A. Not that I know of.

Q. Do you know where township 27 is? A. No, sir.

Q. Do you know where township 26 is? A. No, sir.

Q. Do you know where township 16 is? A. No, sir.

Q. Well, then, how have you been able to answer my questions? A. Because I know I never did any lumbering there; I have heard of townships 26, 27 and 16, but I don't know as I have ever been on them.

Q. Have you ever done any lumbering, or have you ever had any interest in any lumbering on any of the lots of township 50 of the

Totten & Crossfield purchase? A. I don't know anything about that; no, sir.

Q. Do you know where township 50 is? A. No, sir.

Q. Have you ever had any interest in lumbering around Long lake?
A. No, sir.

Q. And in the townships through which that lake runs? A. I had the sale of a piece of land up in there once, that is all.

Q. How long ago is that? A. That was three or four years ago.

Q. What was the piece of land? A. It was a piece of land on 35; I don't know the number just now.

Q. On lot 35? A. They told me it was on township 35; either 35 or 21; it was one of those two townships.

Q. Near what lake was it? A. They told me it was within two or three miles of Long lake.

Q. With whom did you have your transaction? A. Mr. Marsh, of Albany.

Q. What lots were covered by your transaction? A. I can't just remember now.

Q. Did you sell the lots? A. No, sir.

Q. Did you buy them? A. No, sir.

Q. What did you do with them? A. I did not do anything with them.

Q. What was your transaction in regard to them? A. I tried to sell them but I could not.

Q. Will you tell me where you have done any lumbering? A. I bought the timber on 15 from Parker and put the logs in.

Q. Outside of township 15 have you done any lumbering? A. No, sir, except the lumbering I did on 17 and 32.

Q. You have already testified as to having lumbered on township 11? A. Yes, sir, 17 and 32 and 11.

Q. Then I understand you to say you have never done any lumbering outside of 17, 15, 11 and 32? A. Yes, sir.

Q. That is the fact? A. Yes, sir.

Q. How long was John J. Wakeley engaged in lumbering for you on any lots of township 11, of the Totten & Crossfield purchase? A. I did not know he was lumbering on any lot but one.

Q. One is any? A. Yes; he did not get through until late in the spring.

Q. Did he finish his work there in one year? A. Yes, sir.

Q. He was not engaged there for two years? A. Not for me.

Q. Was he for Pat Moynehan? A. I do not know.

Q. Did Pat Moynehan have an interest in any lumbering upon any lots of township 11 other than that in which you were also interested. A. No, sir; nothing I was interested in.

Q. Did you know of his having any interest in any lumbering on any lots of township 11 except as you have testified? A. I understood that he had bought a lot from Dr. Martine—or that Dr. Martine had an interest in or something like that, I understood it to be the Martine lot; I don't remember now.

Q. What was the number of the lot? A. I could not tell you.

Q. Was any one other than Pat Moynehan interested with you in the timber taken from any lots of township 11? A. Not as I know of—no—that is, in township 11?

Q. Yes, sir. A. On lot 33 there was not any; I do not know about township 11.

Q. Well, on lot 33, to which you have referred as in township 11? A. Yes, sir.

Q. And that is a lot in township 11? A. That is what they told me.

Q. Was any one other than Pat Moynehan interested with you in any of the timber cut and skidded by John J. Wakeley under the contract made with you? A. Under the contract I made—no, sir.

Q. Were you ever charged with trespass on State lands in respect to any of the timber cut, skidded or hauled by John J. Wakeley under his contract with you? A. No, sir.

Q. Did you ever have knowledge or information of trespass committed by him upon State lands? A. No, sir, only this gentleman right here told me—Mr. Bouton.

Q. Did any forester or other State official ever inform you of trespass committed upon State lands by John J. Wakeley under his contract with you? A. Not any, except this gentleman was an officer (indicating Mr. Bouton).

Q. What prosecution against you or settlement was ever made by you for any trespass committed by John J. Wakeley in the cutting, skidding or hauling of the timber for you? A. There was not any.

Q. You never made any settlement for that trespass? A. No, sir, I did not know there was any trespass.

Q. You know now there was a trespass, don't you? A. No, sir, I do not.

Q. How many markets of timber, approximately, were delivered by John J. Wakeley for township 11? A. I do not know; I know the number of markets he told me he got on lot 33.

Q. He delivered more than that didn't he? A. I could not tell you.

Q. Don't you know that he delivered more than that? A. How could I know when I was not there.

Q. You had an interest in the timber that was cut and it hardly seems reasonable, to say the least, that a man having an interest in timber cut under a contract made with John J. Wakeley, should not know the amount of timber cut by him? A. I have told you that.

Q. How much timber did he say? A. Four thousand four hundred and fifty-seven markets, I think he said it was.

Q. When was that timber delivered? A. It was delivered the winter I stated before; I don't just remember the winter; I think it was in 1892.

Q. Was any other timber delivered by him from township 11? A. I could not tell you; he might have lumbered there for years.

Q. For which you paid Wakeley? A. No, sir.

Q. Did you pay Wakeley? A. No, sir.

Q. Who paid him? A. Mr. Moynehan.

Q. He swears he did not pay him. A. It don't make any difference what he swears.

Q. You say you employed Wakeley? A. Yes, sir, I let him the job.

Q. Do you know how many markets of logs were cut by John J. Wakeley more than the markets you have stated? A. No, sir.

By Mr. TEN EYCK:

Q. Do you know that he cut any more than you have stated? A. No, sir.

Q. If he did you did not know anything about it? A. No, sir.

By Chairman WILDS:

Q. Did Pat Moynehan ever tell you that a trespass was committed by John J. Wakeley? A. Not that I remember of.

Q. Was John J. Wakeley the only jobber employed by you in timber cutting on township 11? A. Yes, sir, he was the only jobber.

Q. Was he the only man employed by you to cut and haul timber from township 11? A. He was the only man I let the job to.

Q. Did Douglas Morehouse do any work for you? A. No, sir, not that I know of; he might have done work for John J. Wakeley; you might call that for me.

Q. Did George E. Cooper? A. I don't know the party.

Q. Charles or Melanchton Dunkley? A. I don't know them.

Q. Or Jesse Wells? A. No, sir.

Q. Were you ever charged with trespass upon any lands of the State? A. Not that I know of.

By Mr. WAGSTAFF:

Q. Mr. Depan, did you own any of the lots upon which you lumbered or caused lumbering to be done? A. I supposed I owned a half

interest in lot 33; the deed was in Moynehan's name, but I was to have half of the lot.

Q. In the other cases you had no interest in the lots other than having received a job to cut timber from Moynehan? A. No, sir.

Q. You did not do that cutting of timber yourself? A. No, sir.

Q. You let the job to cut timber to some other person? A. Yes, sir.

Q. Is there profit enough in the cutting of timber to make it profitable for two men to take a contract to cut timber? A. Well, I furnished the jobbers.

Q. With what? A. Merchandise, etc.

Q. Is that all you paid them? A. No, sir, I paid them money.

Q. You have testified that you paid them so much per market log? A. Yes, sir.

Q. Is that the fact? A. Yes, sir.

Q. You have testified that you have no knowledge of the location of the various lots upon which you let timber jobs? A. No, sir.

Q. You would not be able to find those lots yourself, in the woods? A. No, sir.

Q. In letting those timber jobs, who located the place for the cutters of the timber to commence their work? A. I suppose the jobber.

Q. That is the man to whom you let the job? A. Yes, sir.

Q. In what way would you designate to him the place to cut? A. Well, where Hall had cut before.

Q. Just a general statement to that effect? A. Yes, sir.

Q. The jobbers were to be paid by the market log? A. Yes, sir.

Q. You did not designate to them the number of logs you desired, did you? A. No, sir.

Q. The more logs they delivered under that contract with you, the larger amount of money they received in payment therefor? A. What do you mean — that I should raise the price on them the more logs I got?

Q. No. A. The more logs they put in the more money they got, of course.

Q. Did you ever know where they cut those logs for which you paid? A. No, sir.

Q. Do you know whether they cut them on the lots which you designated to them in a general way, or upon other lots? A. No, sir, I do not.

Q. You paid them for whatever logs they delivered to you under the contract? A. Yes, sir.

Q. You never inquired from whence they got those logs; the place where they got those logs? A. Yes, sir; I asked the jobbers.

Q. What did they tell you? A. They told me on the Hall lots.

Q. Well, there were other lots beside the Hall lots they lumbered on? A. Yes, sir.

Q. In reference to the other lots? A. Well, they supposed they were lumbering on the Hall lots, but Sherman came and told me afterwards they were on his.

Q. They did not know precisely where they were lumbering? A. No, sir.

Q. You nor no one on your behalf ever told them where the lines were? A. No, sir.

Q. You were willing to take the logs regardless whether they came from the lands on which you let the contract or not? A. They were responsible parties.

Q. Responsible in what way? A. People worth the amount of money they were getting; whatever logs they cut, they knew they were cutting them there; I found out afterwards they were not.

Q. Did you tell Brooks or show him where the corners were of the Gospel and School lot, township 17? A. No, sir.

Q. Then, Mr. Depan, it is a matter of indifference to you where the parties to whom you let the timber jobs cut the timber, so long as they deliver a sufficient number of logs to you and are in your esti-

mation responsible parties? A. Well, I supposed they were men that knew where the lines were; I did not think they would cut any logs that were not on the lot.

Q. But you have testified that in one case some logs were cut from private lands not upon the lot upon which you let the timber job? A. I testified that they claimed that they were not—that they claimed that there were some of those logs cut on Mr. Sherman's lot.

Q. Were you always careful to ascertain that the men to whom you let the jobs were familiar with the locality upon which they were to cut? A. Yes, sir; they told me they were familiar with them.

Q. Did you have other information of that fact other than what they told you? A. Well, there was different ones told me they were on those lots—I think there was.

Q. Do you think that the men to whom you let the jobs had just the same interest in not getting over the lines of the lot that you seem to have when you let the contracts? A. I think they would.

Q. You have testified that it is a matter of indifference to you, for the reason that the men who cut the timber are responsible? A. Well, yes; I took it to be that way—that they were responsible, and that they knew where they were cutting the logs; that they would not trespass upon anybody or do anything unlawful.

By Mr. TEN EYCK:

Q. As I understand you, these men told you where these Hall lots were? A. Yes, sir.

Q. You believed them to be honest and responsible men? A. Yes, sir.

Q. And believing that they were you gave them the contract and told them to go on and cut? A. Yes, sir.

Q. As I understand you, you are in the mercantile business? A. Yes, sir.

Q. What is the nature of that business? A. Flour, feed, boots, shoes, harness, etc.

Q. Where is your store situated? A. At Indian Lake.

Q. That has always been your business? A. Yes, sir.

Q. Did I understand you to say that you did not understand much about lumbering? A. Only as I bought logs from farmers.

Q. In what way does your mercantile business benefit you in lumbering? A. We have a chance to supply the jobbers with provisions and make a profit on what we sell them.

Q. By taking lumber contracts it insures the trade of the jobber in furnishing the men that work for him with provisions, etc.? A. Yes, sir.

Q. In that you make a profit? A. Yes, sir.

By Chairman WILDS:

Q. Did you ever have any transactions with any of the Forest Commission? A. No, sir.

Q. At any time? A. I think I will rectify my statement in regard to lumbering upon any other lands; I have lumbered on township 7; I bought township 7; I forgot all about that.

Q. When was that? A. About eight years ago.

Q. Of what tract? A. Totten & Crossfield purchase; I would not have thought about that only Mr. ELDRIDGE brought it to my mind; I bought a good deal of goods of him that winter.

Q. Did you ever have any transaction with any forester? A. Not as I know of; I might have dealt with foresters and not know it.

Q. Do you know Thomas Powers? A. Yes, sir.

Q. Did you ever have any transactions with him? A. I sold him goods.

Q. Did you ever have any transactions with him in reference to lumbering? A. No, sir; only when he was lumbering.

Q. Did you ever have any transaction with Thomas Powers in reference to timber during the six or eight years he served as forester? A. I do not know that he served that length of time; I understood he was forester, but I never had any dealings of that kind with him.

Q. How long is it since you had transactions with Thomas Powers ?

A. About twelve years ago.

By Mr. ELDRIDGE :

Q. Did you have any transaction with him in reference to timber ?

A. No, I only sold him goods ; I had some transactions with him when he was with Wakely working on the dam up there.

By Chairman WILDS :

Q. What conversation, if any, have you had with Pat Moynehan in reference to testimony given or to be given before this committee ? A. I did not have any that I know of ; we have been talking about the commission that has been around ; that is about all.

The CHAIRMAN.—That is all, Mr. Depan.

The committee then adjourned subject to the call of the chair.

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